

Revised by Ord. 1506
Sec. 15 amended by Ord. 815
Amended by 727
729
206
115

Ordinance 152:

An Ordinance Concerning Offences and
Disorderly Conduct. Defining what shall constitute
Ord No 152 this ^{same} and providing for the punishment thereof.
Rep 1506
Sec 15 Rep 815

Section I. That any person or persons who shall be
727 guilty of any violent, riotous or disorderly conduct,
708 or who shall use any profane abusive or obscene
206 language in any street, house or place within the city
195 of Albany, whereby 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
conviction thereof in the Recorder's Court pay a fine
of not less than five (\$5.00) dollars nor more than
one (\$100) dollar, 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
commit any assault, or assault and battery
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
one hundred dollars, or imprisoned in the city jail not
less than two days, nor more than fifty days, or both at
the discretion of the Court.

Section III. That any person or persons who shall draw
any species of firearms or any dirk, dagger or knife or
other deadly or dangerous weapon, upon the person of
another, within the corporate limits of the City of Albany,
shall, upon conviction thereof before the Recorder's Court
be fined not less than twenty dollars nor more than
one hundred dollars, or imprisoned in the city jail not
less than two days, nor 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 such
officer in the discharge of his duties, or who shall by any
means whatsoever aid or assist any person in custody upon
a charge of a violation of any City Ordinance in endeavoring
to escape from such custody, whether such escape be
effected or not, shall, upon conviction before the
Recorder's Court, be fined not less than twenty dollars

nor more than one hundred dollars, or shall be imprisoned in the city jail not less than ten days, nor more than fifty 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 any beast of burden, nor shall any person or persons, or any corporation run or cause to be run, any rail road, locomotive or car within the corporate limits of this city, at a greater rate of speed than six miles an hour: and any person or persons, or corporation, who shall violate the provisions of this section, shall upon conviction thereof before the Recorder's Court be fined not less than five dollars nor more than fifty dollars, or imprisoned in the city jail not less than two days nor more than twenty-five days, or both at the discretion of the Court.

Section VI. Any person who shall throw or deposit on any sidewalk or in any footpath or alley of the City of Albany, any broken glass, bottles, cans, nails, tin cans, or other substance, whatever, whereby the feet of horses, pedestrians, or any beast of burden may be injured, or throw or deposit, or sweep into or upon any street, sidewalk, alley or footpath of the City of Albany any paper or other rubbish substance, except snow or dirt resulting from travel, or throw or deposit into or upon any street, sidewalk, footpath alley, or any vacant lot in said City, any manure, or refuse matter of any kind, shall, upon conviction thereof before the Recorder's Court, be fined 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-five days, or both at the discretion of the Court.

Section VII. That any person or persons who shall carry any deadly or dangerous weapon of any kind whatever, in a concealed manner, within the corporate limits of the City of Albany, shall upon conviction thereof before the Recorder's Court be fined not less than five days nor more than fifty days, or both at the discretion of the Court: 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 ordinance, gun, pistol, rifle or other firearm within the corporate limits of the City of Albany, or shall ignite, fire, or explode, or cause to be fired or exploded, any firecrackers, bombs, torpedoes, or other fire or detonating works of any description whatever in that portion of the City, bounded by Third Street on the South, Jackson Street on the East, Vine Street on the West, and the Willamette River on the North, shall, upon conviction thereof before the Recorder's Court, be fined 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-five days, or both at the discretion of the Court; Provided, that the Mayor ^{may} permit upon national holidays, and other festal days, the discharge of cannon, or anvils, firecrackers and fireworks; and provided further that the Mayor or Marshal may permit the firing of guns for purposes deemed necessary or expedient.

Section IX. That any person, who shall blow a police whistle, or any whistle, the noise or sound of which 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 by imprisonment in the City Jail not less than two days nor more than ten days, or both at the discretion of the Court; 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 lawful business upon the streets at that time, shall, upon conviction thereof before the Recorder's Court, be punished by a fine of not less than five dollars nor more than fifty dollars, or by imprisonment in the City Jail not less than two days, nor more than twenty-five days or both at the discretion of the Court.

Section XI. That no minor shall be permitted (~~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 upon conviction thereof before the Recorder's Court, be fined not less than five dollars, and not more than fifty dollars, or imprisonment in the city jail not less than two days, nor more than twenty five days, or both at the discretion of the Court.

Section XII. That any person or persons, who shall put a bell upon, or permit or allow a bell to be worn by, any animal owned or kept by such person or persons in the corporate limits of the City of Albany, shall, upon conviction thereof before the Recorder's Court, be punished by a fine not exceeding twenty dollars, or by imprisonment in the city jail not exceeding ten days, or both at the discretion of the Court.

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 occupant or occupants of any dwelling or place of residence adjacent to where such noise or disturbance is made, shall upon conviction thereof before the Recorder's Court, be fined not less than five dollars nor more than one hundred dollars or imprisonment in the city jail not less than two days, nor more than fifty days, or both at the discretion of the Court; and if any person or persons shall permit or allow any noise or disturbance to be made on premises occupied or controlled by him or them, so as to disturb the peace and quiet of the occupant or occupants of any dwelling or place of residence adjacent to where such noise or disturbance is made, he or they shall upon conviction thereof before the Recorder's Court be fined 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 five days or both at the discretion of the Court; Provided however 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 such noise or disturbance.

Section XIV: If any person 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, such person shall upon conviction thereof before the Recorder's Court, 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, or both at the discretion of the Court. Provided that the Recorder by and with the advice and consent of the Committee on Licenses, may issue a license for the public exhibition of such persons as may be deemed curiosities.

Section XV: Any person, who shall hitch or fasten any horse, mule, or mill or any animal to any chimney post or shade tree, or to the base of box around any shade tree, shall upon conviction thereof before the Recorder's Court, be fined not less than five dollars, nor more than twenty dollars, or imprisoned in the City Jail not less than two days, nor more than five days, or both at the discretion of the Court.

Section XVI: No person having or using any animal or animals, unless the same be attached to a dray, truck, or wagon, shall leave such animal or animals, without first securely fastening the same, and no person, or persons having or using any animal or animals, attached to a dray, truck or wagon, shall leave the same without first securely locking the wheels of such dray, truck or wagon, and fastening the lines to the vehicle to which such animal or animals may be attached, and any person, violating the provisions of this section, shall, upon conviction thereof before the Recorder's Court, be punished by a fine, not less than five dollars, and not more than fifty dollars, or by imprisonment in the City Jail not less than ten days, nor more than twenty-five days, or both at the discretion of the Court.

Section XVII: Any person, who shall haul, put, or place on any of the public grounds of this city any limbs, brush, rubbish, or the like matter, or place any obstruction or material there on for any purpose, shall, upon conviction thereof before the Recorder's Court, be punished by a fine not less than ten dollars nor more than fifty dollars or by imprisonment in the City jail not less than five days, nor more than twenty-five days, or both, at the discretion of the Court: Provided, the Mayor may, by permit in writing, grant the privilege to any person to use ~~such~~ public grounds for storing purposes.

Section XVIII:

If any person, unless authorized so to do by the Committee on Streets and Public Property shall place any obstruction in any street, or alley in this city, such as fuel, lumber, or building material, and refuse to remove such obstruction when ordered so to do by the Marshal, such person, shall, upon conviction thereof before the Recorder's Court, be punished by a fine of not less than five dollars nor more than fifty dollars or by imprisonment in the City jail for not less than two days, nor more than twenty-five days, or both, at the discretion of the Court: Provided that placing or making such obstructions in the streets or alleys under the authority of the Committee on Streets and Public Property, where they are likely to endanger the passage of foot passengers or teams, shall at night place a sufficient light thereon to properly point out the same ^{and} guard against danger.

Section XIX: No person shall suffer or permit to go, or shall lead drive or ride any horse, mule or beast of burden, or any cattle, the property of, or in the possession, or under the control of, such person, upon any sidewalk within the corporate limits of the City of Albany, and any person, violating the provisions of this section, shall, upon conviction thereof before the Recorder's Court, be fined not less than five dollars nor more than fifty dollars, or imprisonment not less than two days nor more than twenty-five days, or both at the discretion of the Court.

Section XX. All sidewalks, and every part thereof, within the City limits, shall be kept open and in all respects free from incumbrance, or obstruction of any nature and kind what so ever, except as has been after provided: and any person, allowing, or maintaining any incumbrance, or obstruction on any public sidewalk or part thereof, contrary to the provisions of this section shall, upon conviction thereof before the Recorder's Court, be punished by a fine of not less than five dollars, nor more than forty dollars, or by imprisonment in the city jail not less than two days nor more than twenty days, or both at the discretion of the Court; Provided however that where any sidewalk is eight feet wide or wider, the owner or occupant of any building adjoining such sidewalk may occupy for the purpose of advertising his trade or business, two feet of such sidewalk adjoining and nearest to such building, and where the sidewalk is six feet wide or less, the owner or occupant of any building adjoining such sidewalk may occupy, for the purpose of advertising his trade or business one and one half feet of such sidewalk, adjoining and nearest to such building.

Section XXI. Each and every owner and occupant of a house within the corporate limits of the City of Albany shall keep the back yard adjoining such house free from filth and garbage of any kind, and any person violating the provision of this section shall upon conviction thereof before the Recorder's Court, be punished by a fine of not less than ten dollars, nor more than forty dollars for the first offense, or by imprisonment in the city jail not less than five days nor more than twenty days, or both at the discretion of the Court, and for each subsequent offense, by a fine of not less than twenty, nor more than eighty dollars, or by imprisonment in the city jail not less than ten days, nor more than forty days, or both at the discretion of the Court; Provided however that the owner or occupant of a barn or stable may throw upon the lot the manure accumulating in such barn or stable, and which he

may desire to use upon such lot as fertilizer.

Section XXII: Any person or persons, who shall stand in or upon any street, alley or sidewalk within the corporate limits of the City of Albany, after being notified by any police officer of said city to move on, shall upon conviction thereof before the Recorder's Court, be punished by a fine not exceeding twenty dollars, or by imprisonment in the City jail not exceeding ten days or both at the discretion of the Court.

Section XXIII: If any person or persons shall use or cause to be used, or encourage the use of any bear shooter, or other contrivance or invention used in shooting or throwing beans, stones, pebbles, or other substance, or thing, in or upon any street, sidewalk, common, alley, or any public ground or place in the limits of the City of Albany, he or they, shall upon conviction thereof before the Recorder's Court, be fined not less than five dollars, nor more than fifty dollars, or imprisoned in the City jail not less than two days, nor more than twenty-five days, or both at the discretion of the Court.

Section XXIV: Any person or persons, who shall cut, saw, or split any wood upon any sidewalk or crosswalk within the corporate limits of the City of Albany, shall, upon conviction thereof before the Recorder's Court, be fined not more than twenty dollars, or imprisonment in the City jail not more than ten days, or both at the discretion of the Court.

Section XXV: Any person or persons who shall, within the corporate limits of the City of Albany, trespass upon or wantonly or maliciously damage any real or personal property belonging to the City of Albany or to any public or private corporation, or to any individual or individuals, or who shall insult any person upon any street, alley or thoroughfare of the city, shall upon conviction thereof before the Recorder's Court be fined not less than five dollars, nor more than one hundred dollars, or imprisonment in the City jail not less than two days nor more than fifty 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 city of Albany, sign or repeat any word or obscene word or words, or mark in any manner any obscene word or words, or figure or figures, upon any building, wall, fence, or post or any thing whatever, shall upon conviction thereof by the Recorder's Court, be punished by a fine of not less than ten dollars nor more than one hundred dollars, or by imprisonment in the city jail for not less than five days, nor more than fifty days, or both at the discretion of the Court.

Section XXVth: Any person or persons who shall erect or establish any offensive trade, manufactory or business of any kind or shall continue the same after it has been established or shall neglect to purify any unwholesome privy which may be on his or their property, or shall do any thing that is injurious to health, or indecent or of offence 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 or property, shall, upon conviction thereof in the Recorder's Court, be punished by a fine of not less than twenty dollars nor more than one hundred dollars, or by imprisonment in the city jail not less than ten days nor more than fifty days, or both at the discretion of the Court.

Section XXVIth: A person or persons, who, owning, controlling or being in possession of any house or building, or any room or rooms in any house or building, in the corporate limits of the city of Albany, shall use the same or any part thereof, or knowingly permit the use of the same or any part thereof, as a bawdy house, assignation house, house of ill fame or house of prostitution, shall, upon conviction thereof before the Recorder's Court, be ~~punished~~ punished by a fine of not less than twenty dollars nor more than one hundred dollars, or by imprisonment in the city jail not less than ten days nor more than fifty days, or both at the discretion of the Court. A house, building, or room, occupied by any woman or women, and which is resorted to by men or boys promiscuously for the

purpose of sexual intercourse with such occupant or occupants, or which is used or kept by any person for the resort and unlawful commerce of kind people of both sexes, whether such intercourse or commerce be for gain or not, shall be deemed a bawdy house, assignation house, house of ill fame, or house of prostitution in the meaning of this section.

Section XXIX. Any person or persons, who shall reside in a bawdy house assignation house, house of ill fame or house of prostitution, as defined in Section 28 of this Ordinance, and any person or persons, who shall visit or penetrate into any such house, for the purpose of sexual intercourse or commerce with a person or persons of the opposite sex, shall upon conviction thereof before the Recorder's Court, be punished by a fine of not less than fifty dollars, and not more than one hundred dollars, or by imprisonment in the city jail, not less than twenty five days nor more than fifty days, or both at the discretion of the court.

Section XXX. Any person, who shall demise lease or rent any house or building, or any room or rooms, in any house or building, within the corporate limits of the city of Albany, to be used as a bawdy house, assignation house, house of ill fame or house of prostitution, as defined in Section 28, of this Ordinance, or any person who, having demised, leased or rented any such house building, room or rooms, shall after notice that the same are used or occupied as a bawdy house, assignation house, house of ill fame or house of prostitution, fail or refuse to cancel such lease or contract of rental and eject the persons or persons occupying such premises for the purpose, aforesaid therefrom, shall, upon conviction thereof before the Recorder's Court be punished by a fine not less than thirty dollars nor more than one hundred dollars, or by imprisonment in the city jail for not less than fifteen days nor more than fifty days, or both at the discretion of the court.

Section XXXI: It is hereby ~~prohibited~~, forbidden and declared unlawful for any person, either as owner, proprietor, manager, or employee, or lessee, or otherwise, to play, deal, set up, open or cause to be opened, to carry on or permit to be carried on or to engage in or permit to be engaged in in any store, shop, building, or hotel, or in any room, park, street, or public or private yard or place, within the corporate limits of the City of Albany, any game of faro, monte, roulette, rouge et noir, roulette, twenty one, poker, draw poker, bluff, brag, tau, tau tau, or fan fan, or any game played with cards or any other device, or any game of any kind, or nature, whatever, for or with any kind of value, or for or with anything the representation of value, whether said game or games, or any of them be played, dealt, set up, carried on, or engaged in with cards, checks, or any other device, or in any room, park, street, or public or private yard or place; and it shall be unlawful for any person within the corporate limits of the City of Albany, in any room, house or building or any public or private place therein to play or engage in for anything of value or anything the representation of value, or to bet at or upon any game of faro, monte, roulette, rouge et noir, roulette, twenty one, poker, draw poker, bluff, brag, tau, tau tau, or fan fan, or any game played with cards or any other device or any game of any kind or nature whatsoever: any person, violating any of the provisions of this section, shall, upon conviction thereof before the Recorder's Court, be punished by a fine of not less than ten dollars nor more than one hundred dollars, or by imprisonment in the city jail for not less than five days nor more than fifty days, or by both such fine and costs at the discretion of the Court.

Section XXXII: It shall be unlawful for any horse, mare, mule, jack, or foal, to run at large within the corporate limits of the City of Albany. If any horse, mare, mule, jack, foal, be found running at large within said corporate limits, the same shall be taken up by the marshal, or by any person, and delivered to the Marshal, and kept in a good and safe place.

Section XXXIII. It shall be the duty of the Marshal, after taking up of any of the above named animals, immediately to post up notices in three public places in the City for five successive days, giving as exact a description as may be, of such animal, including natural or artificial marks thereon and its color, size, and probable age, and notice shall also contain the time, place and terms, when, where, and upon which such animal will be sold, if not claimed as hereinafter provided, but such sale shall not take place within less than six days from the date of posting such notice.

Section XXXIV. If previous to the sale provided for in Section 33 of this ordinance, the owner shall prove the animal taken up to be his property, he shall be entitled to the same upon paying to the Marshal, the charges thereon, which shall be one dollar for taking up each animal, seventy five cents per day for keeping the same, and his fees for posting the notices provided for in said Section 33.

Section XXXV. If the animal or animals so taken up remain unclaimed previous to the sale, or if the owner thereof fail or refuse to pay to the Marshal the charges against the same, as provided in Section 33 of this ordinance, the Marshal shall then proceed to sell such animal or animals at public auction to the highest bidder for cash in hand on the day of sale, at the time and place specified in said notices, and after deducting his legal fees and all cost and expense of taking up, keeping and selling the same, shall pay the remainder of the proceeds of such sale into the City Treasury.

Section XXXVI. If the owner of any animal sold under the provisions of Section XXXV of this ordinance shall, at any time within six months from the date of such sale, make proof of his ownership hereof to the satisfaction of the Common Council of said City, he shall be entitled to receive the net proceeds of such sale on deposit in the City Treasury; but if no such proof be made within six months from the date of such sale, such proceeds shall be the property of the City.

Section XXXVII. It is hereby declared to be unlawful for any person or persons, to cast, throw, or deposit, or suffer, permit or allow to be cast, thrown or deposited, in or upon any street, alley, or any public place within the corporate limits of the city of Albany, any manure or filth or refuse of any kind or nature whatsoever, except dust or snow, which may have accumulated upon the sidewalks, and any person, violating any of the provisions of this section, shall, upon conviction thereof before the Recorder's Court be punished by a fine of not less than five dollars, nor more than one hundred dollars, or by imprisonment in the city jail for not less than two days, nor more than fifty days, or by both such fine and imprisonment at the discretion of the Court; provided however; that any person, who has a stable or barn, adjacent to any alley, may build along the side of said stable or barn a plank box, of good sound and sufficiently strong material, extending into said alley, from said stable or barn not more than three feet, and along the side of said barn or stable not less than six feet, and at least four feet high, into which such person may throw the manure from his stable or barn, but such person must remove the manure from such box before the same becomes so full, as that it will fall therefrom in the alley and keep the same in such a condition that no manure shall escape therefrom into or upon such alley.

Section XXXVIII. Any person, who, being the owner or having the possession or control of a house, building or room within the corporate limits of the city of Albany, shall permit, suffer, or allow the same or any part thereof to be kept, or used, or shall keep or use the same or any part thereof for the purpose of smoking opium, or as a place of resort where either males or females, adults or minors are permitted to and do indulge in the smoking of opium in any form or manner, shall upon conviction thereof before the Recorder's Court, be punished by a fine of not less than twenty dollars nor more than one hundred dollars; or by imprisonment in the city jail not

less than ten days, nor more than fifty days, or by both such fine and imprisonment at the discretion of the court.

Section XXXIX. Each of the following shall be conclusively deemed and taken to be a deadly or dangerous weapon within the meaning of the provisions of ~~Section~~ Section 3 and 7 of this ordinance, to wit, any pistol, whether loaded or not; any stick, bowie knife, stung-stick or brass or wire knuckles; and any and all other weapons which the evidence may show to be dangerous to life or limb, shall be considered and deemed to be deadly or dangerous weapons within the meaning of the provisions of said Sections.

Section XL. Any person or persons who, may be found loitering about the streets, or begging, and who has no visible means of support, shall be deemed a vagrant and, upon conviction before the Recorder's Court, shall be punished by a fine of not less than five, nor more than forty dollars, or by imprisonment in the city jail for not less than two days, nor more than twenty days, or by both such fine and imprisonment, at the discretion of the Court.

Section XLI. 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 in default of the payment of the fine and costs adjudged, commit the offender to the city jail at the rate of one day for each two dollars of such fine and costs. Provided, however, that such imprisonment shall in no case exceed fifty days; and it shall be the further duty of the Court, when any one is committed to the city jail by its judgment for any offense mentioned in this ordinance, to issue an order to the marshal requiring him, to work said prisoner upon the streets of the city, or upon any city work necessary to be done, during the term for which he is imprisoned.

Section XLII. If any prisoner, during the term of his imprisonment, shall refuse to work, when so ordered, he shall be given only bread ^{and} water

to drive during the time he so refuses to work.

Section XLIII. No person shall ride a bicycle, unicycle, or tricycle on any sidewalk in the city of Albany. Provided that this section shall not apply to any child who shall use such vehicle for the purpose of travel. Any person violating the provision of this section, shall upon conviction thereof before the Recorder's Court, be punished by a fine of not less than five dollars nor more than fifty dollars, or by imprisonment in the city jail for not less than two days, nor more than twenty five days, or both such fine and imprisonment at the discretion of the Court.

Section XLIV. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Section XLV. This ordinance shall be in full force and effect from and after its approval by the Mayor.

Passed the Council May 3rd 1887.

J. W. Henton, Recorder of the city of Albany ^{May 13th 1887} ^{Albany Oregon} ^{Ordinance} county Oregon, do hereby certify that the foregoing is a true and correct copy of the original ordinance no 152, on file in my office.

In witness whereof I have set my hand and the seal of the city of Albany, this 13th day of May 1887.

Attest:

J. W. Henton
Recorder of the city of Albany Oregon.

Approved May 13th 1887
J. K. Breitenberg
Mayor

