

ORDINANCE NO. 109.

An ordinance to provide for licensing bar-rooms and drinking shops, and to repeal ordinance No 7 of the Town of Sumpter, approved May 14, 1898, entitled "An ordinance to provide for licensing and regulating bar-rooms and drinking shops."

THE CITY OF SUMPTER DOES ORDAIN AS FOLLOWS:

Section 1. No person or persons in the City of Sumpter shall, directly or indirectly, in person or by another, sell, barter or deliver, or knowingly permit to be sold, bargained or delivered for, or on his or their account, any spirituous, malt or vinous liquors to be drunk on the premises owned or occupied by him or them, without first obtaining a license from the City of Sumpter therefor.

Section 2. Every person to whom a license shall be granted under the provisions of this ordinance shall pay into the city treasury the sum of Four Hundred Dollars per annum or a proportionate amount for a less period, for a license to sell spirituous, malt or vinous liquors, or two hundred and fifty dollars per annum or a proportionate amount for a less period for a license to sell malt liquors only.

Section 3. All licenses to sell spirituous, malt or vinous liquors shall be payable quarterly, the quarterly terms commencing on the first days of January, April, July and October of each year and no license shall be granted for a less period than three months, except that in case a license shall be taken out after the commencement of a regular quarterly term, a license may be granted for the remaining portion of such quarter.

Section 4. No license shall be granted to sell spirituous, malt or vinous liquors except upon the following conditions:

The person, persons or firm wishing to apply for such licenses shall post notices in three of the most public places in the city, stating that in ten days thereafter he or they will apply to the Council for a license to sell spirituous, malt and vinous liquors, or malt liquors, as the case may be, within the City of Sumpter, which notice must be dated and signed by the applicant or applicants, and such person or persons shall execute and present to the Council for its approval, at the same time that he or they shall make application for a license and the filing of the proof of giving notice as hereinafter provided, a bond in the sum of One Thousand Dollars with two or more sufficient sureties, conditioned that he or they will keep an orderly house and comply with all the laws and ordinances of the City of Sumpter, then in force or which may be passed during the continuance of such license, and that he or they, as the case may be, will not permit any riotous conduct in or about his or their place of business; and that he or they, as the case may be, will not give, sell or supply spirituous, malt or vinous liquors to any minor or common drunkard, or to any person at the time in an intoxicated condition. Thereupon, if there be no remonstrance signed and presented according to this or any ordinance providing for the same, the council may, in its discretion, grant a license to such applicant or applicants.

Section 5. Any person or persons wishing to obtain a license to sell spirituous, malt or vinous liquors shall make and file an affidavit with the Recorder to the effect that the notices required by this ordinance have been posted, which affidavit shall be so filed before the application for license is heard.

Section 6. In case a remonstrance signed by two-thirds of the legal voters of the city of Sumpter against the granting of a license to sell spirituous, malt and vinous liquors, to any particular person or persons, shall be presented to the council, no such license shall be granted to such person or persons.

Section 7. No license to sell spirituous, malt or vinous liquors shall be granted to any woman or girl, nor to any male minor, nor to any person who shall permit any woman, girl or male minor to frequent his or their place of business, either as guest, servant, waitress, waiter, dancer, singer, actor or actress or musician.

Section 8. The Recorder shall not issue any liquor license to any person or persons until ordered to do so by the council, and no license issued under the provisions of this ordinance shall be assignable or transferable; but any person or persons holding an unexpired liquor license who shall sell his or their place of business and his or their successor shall have duly taken out a license for the sale of spirituous, malt or vinous liquors for said unexpired term, may have the amount of the license for said unexpired term refunded by the

council on a proper showing made to the council, but the council may refuse to refund any part of such license money so paid, and any firm or person to whom any money so refunded shall be paid shall receive only ninety-five per cent thereof and the City of Sumpter shall retain five per cent thereof.

Section 9. Any keeper of a drinking shop or bar-room who shall permit any riotous or disorderly conduct on the premises, or who shall sell or permit to be sold, or give or permit to be given by any employe any intoxicating liquor to any person already intoxicated, or to any male person under the age of twenty-one years, or to any woman or girl, or to any half-breed Indian or Indian, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than five nor more than fifty dollars and shall forfeit his license to such barroom or drinking shop.

Section 10. Any keeper of a barroom or drinking shop who shall permit any woman or girl or male minor to frequent his place of business, or who shall permit or employ any woman or girl or male minor to act as waitress, waiter, or to sing or dance, or to play as actress or actor, or to play as musician, or to serve in any other capacity whatsoever in such barroom or drinking shop, or any room attached to or connected with such barroom or drinking shop, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five nor more than fifty dollars and shall forfeit the license of such barroom or drinking shop.

Section 11. Any keeper of any barroom or drinking shop or any employe therein who shall on the day of a general or city election, held under the laws of the State of Oregon, or United States, or the charter or ordinances of the City of Sumpter, sell, give, or otherwise dispose of any intoxicating liquor to any person during the voting hours of such election, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than ten dollars for each offense and shall forfeit the license of such barroom or drinking shop.

Section 12. Whenever, by reason of a violation of this ordinance, a license shall have been declared forfeited, the Recorder shall report such forfeiture to the council at its next meeting thereafter. The council shall not, for the period of one year thereafter, grant the same person or firm a license to sell spirituous, malt or vinous liquors.

Section 13. All persons granted licenses under this ordinance shall, on receiving notice that the council has accepted his or their application, pay to the treasurer the amount required for such license and upon presenting the treasurer's receipt to the Recorder, the license shall be by him issued.

Section 14. That Ordinance No. 7 of the Town of Sumpter, approved May 14, 1898, entitled "An Ordinance to provide for licensing and regulating bar-rooms and drinking shops," and all amendments thereto be and the same hereby are repealed.

Passed the Council May 29th, 1901.

E. L. MANNING,

Recorder of the City of Sumpter.

Approved May 29th, 1901,

J. H. ROBBINS,

Mayor of the City of Sumpter.

ORDINANCE NO. 110.

An Ordinance declaring certain acts to be unlawful, and providing punishment therefor and repealing ordinance No. 17, new series of the town of Sumpter, entitled, "An Ordinance concerning offenses and disorderly conduct."

THE CITY OF SUMPTER DOES ORDAIN AS FOLLOWS:

Section 1. 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 Sumpter, whereby the peace or quiet of the city is or may be disturbed, or who shall be guilty of any indecent conduct 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 nor more than twenty-five dollars, or be imprisoned in the city jail not less than two and a half days nor more than twelve days, or both, at the discretion of the court.

Section 2. That any person or persons who shall fire off or discharge any gun, pistol, rifle, or other fire arm within the corporate limits of the City of Sumpter, or any squib, rocket or Roman candle, chaser, firecracker, bomb, torpedo, or other fireworks of any kind or

nature whatever, shall, upon conviction thereof in the Recorder's court, be fined not less than five nor more than twenty-five dollars, or be imprisoned in the city jail not less than two days nor more than twelve days, or both, at the discretion of the court; provided, that the mayor may permit upon national holidays, and other days of public celebration, the discharge of fire arms, fire-crackers, bombs, Roman candles and other explosives, which permits shall designate the time and locality of such firing and the number of discharges authorized.

Section 3. That any person or persons who shall be guilty of any assault, or assault and battery, within the limits of the City of Sumpter, shall be deemed guilty of a misdemeanor, and upon conviction thereof in the Recorder's court, shall be fined not less than five nor more than fifty dollars, or imprisoned in the city jail not exceeding twenty-five days, or both, at the discretion of the court.

Section 4. Any person or persons who shall draw any species of firearms, or any dirk, dagger or knife, or other deadly or dangerous weapon on the person of another, within the limits of the City of Sumpter, shall, upon conviction thereof in the Recorder's court, be fined not less than ten nor more than fifty dollars, and may be imprisoned for any period not exceeding twenty-five days, or both, at the discretion of the court.

Section 5. Any person or persons who shall resist any peace officer, or who when called upon 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 the charge of a violation of any city ordinance, in his endeavor to escape from such custody, whether such escape be effected or not, shall, on conviction thereof in the Recorder's court, be fined not less than ten nor more than fifty dollars, or shall be imprisoned not less than five days, nor more than twenty-five days, or both, at the discretion of the court.

Section 6. That any person who shall falsely assume to be a marshal, policeman or other officer of the city, and who shall take upon himself to act as such, or who shall wear upon the street, a star, similar in general appearance to the star adopted for and used by the police force of the City of Sumpter, unless he is a duly commissioned officer, such person, upon conviction in the Recorder's court, shall be subjected to a fine of not less than ten nor more than fifty dollars for each offense, or shall be imprisoned for not less than five nor more than twenty-five days in the city jail, or both, at the discretion of the court.

Section 7. Any person who shall throw or deposit in any street, alley, sidewalk, or foot path in the City of Sumpter, any broken glass, bottles, crockery, nails or other substance whatever, whereby the feet of horses, or any beast of burden may be injured, or pedestrians, or throw, deposit, sweep into or deposit upon any street, alley, sidewalk or footpath of the City of Sumpter, any paper or other substance whatever, except snow or dirt, resulting from travel, shall, upon conviction thereof in the Recorder's court, be fined not less than five nor more than twenty dollars.

Section 8. That any person or persons who shall carry any firearms or deadly weapon of any kind in a concealed manner within the corporate limits of the City of Sumpter, shall, upon conviction thereof in the Recorder's court, be fined not less than ten nor more than fifty dollars, or imprisoned not more than twenty-five days; provided, that peace officers shall be exempt from the provisions of this section.

Section 9. Any person who shall cruelly beat, torture, misuse, deprive of food, water, or otherwise treat any animal with cruelty, shall, upon conviction thereof in the Recorder's court, be deemed guilty of a misdemeanor and be punished by a fine of not less than five nor more than fifty dollars, or by imprisonment in the city jail not exceeding twenty-five days, or both fine and imprisonment, at the discretion of the court.

Section 10. If any person shall introduce or take into the city jail, or deliver to any prisoner at work in the streets under sentence, or deliver to any prisoner confined in said city jail any wine, spirituous or malt liquors, or any opium, except by permission of the Chief of Police, or upon the prescription of a practicing physician, such person shall be guilty of a misdemeanor, and upon conviction thereof in the Recorder's court, shall be fined not less than five dollars nor more than fifty dollars, or imprisoned in the city jail not exceeding twenty-five days, or both, at the discretion of the court.

Section 11. It is hereby forbidden and declared unlawful for any person, either as owner, manager, proprietor, employe or lessee, or otherwise, to play, deal, set up, open or cause to be opened, or to carry on or to cause to be carried on, or permit to be carried on, or engage in any game of faro, monte, roulette, rouge et noir, rondo, twenty-one, poker, draw poker, bluff, brag, tan, tan tan, fan tan, or lottery, or other gambling game for or with anything of value, or for or with anything representative of value, whether the said games or any of them be played, dealt, set up or carried on, with cards, checks or 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 hotel, store, 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 or gambling house. Any person violating any of the provisions of this section, or who shall be found in such gaming or gambling house without lawful business, shall, upon conviction thereof in the Recorder's court, be punished by imprisonment not to exceed twenty-five days in the city jail, or by a fine not exceeding fifty dollars, or by both such fine and imprisonment, at the discretion of the court.

Section 12. If any person shall willfully cut, remove, deface or in any manner injure any fence, gate or inclosure, or part thereof placed around or on the property of the City of Sumpter, or shall injure or deface any building or other property, such persons shall be liable to a fine of not less than five nor more than fifty dollars, or by imprisonment in the city jail for not more than twenty-five days, or both, at the discretion of the court.

Section 13. If any person shall trespass upon or damage any real or personal property, belonging either to the City of Sumpter, or any public or private corporation, or to any individual or individuals, he shall be deemed guilty of a misdemeanor, and upon conviction thereof before the Recorder, shall be fined not less than five nor more than fifty dollars, or imprisoned in the city jail not exceeding twenty-five days, or both, at the discretion of the court.

Section 14. No person or persons using any animal, 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, shall leave such animal without first securely locking the wheels of the vehicle to which it shall be attached. Any person or persons violating this section, shall, upon conviction thereof before the Recorder, be punished by a fine of not less than five dollars nor more than twenty dollars.

Section 15. No minor shall be permitted to go upon or wander about the streets of the city after the hour of eight o'clock at night, during the months of October, November, December, January, February and March of each year, or after the hour of nine o'clock during the remainder of the year, 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 upon conviction thereof in the Recorder's court, shall be punished by a fine of not less than one dollar nor more than ten dollars.

Section 16. If any person shall be found roaming about the streets at midnight, after the hour of twelve o'clock, midnight, without having any lawful business on the streets at that time, he shall be deemed guilty of a misdemeanor, and upon conviction thereof before the Recorder, shall be punished by a fine of not less than five nor more than twenty dollars, or by imprisonment in the city jail not less than two and one-half, nor more than ten days, or both, at the court's discretion.

Section 17. That any person who shall set up, open, or cause to be opened, or keep any house as a resort for the purpose of smoking opium, or who shall furnish opium for the purpose of being smoked upon the premises, shall be guilty of a misdemeanor and upon conviction thereof before the Recorder, shall be fined in the sum of not less than ten dollars nor more than fifty dollars, or imprisoned in the city jail not to exceed twenty-five days, or both such fine and imprisonment, at the discretion of the court, and it shall be the duty of the Recorder to pay to the informer in such case, one-third of the money collected as fine, and whenever any pipes or other utensils used in smoking opium shall be captured by the police, they shall be destroyed upon the order of the Recorder.

Section 18. That any person who