

Ordinance No. 14

CITY OF CASCADE LOCKS, OREGON.

AN ORDINANCE ENTITLED "AN ORDINANCE IMPOSING CERTAIN DUTIES AND PROHIBITIONS FOR THE BETTER PROTECTION OF PROPERTY, MORALS, SAFETY, HEALTH AND CONVENIENCE OF THE CITY OF CASCADE LOCKS".

BE IT ORDAINED by the Common Council of the City of Cascade Locks:

Section 1— That it shall be the duty of every practicing physician in the City of Cascade Locks to notify the marshal in writing of every case of contagious or infectious disease within the city limits within twelve hours after the existence of such disease shall come to his knowledge.

Section 2— That it shall be the duty of the owner or occupant of every building in the City of Cascade Locks, where any person shall have any contagious or infectious disease, to give notice to the marshal in writing of the same within twelve hours after the existence of said disease shall have come to his or her knowledge, and to give immediate notice to the public of the same by placing a green flag in case of diphtheria, a yellow flag in case of smallpox or varioloid, and in all other cases a red flag, in some conspicuous place on the premises where it may be seen by persons passing on the street near said premises. And it shall be the duty of the marshal as soon as he is informed of the existence of such disease to see that such flag be placed as aforesaid, and such flag shall be kept in such place until no danger by infection remains.

Section 3— No person having contagious or infectious disease shall go into any public place, or pass from house to house, or building to building, or appear in any street in the town, until he or she shall have so far recovered therefrom as to preclude all danger of infection, and it shall be the duty of the marshal to cause any person violating this section to be taken forthwith to his or her place of residence, or to such place as the mayor may direct.

Section 4— The occupant of any building in the town wherein any person shall have been sick of contagious or infectious disease shall on the death or recovery of such person therefrom forthwith destroy by burning or burying the clothes worn by such person during such sickness, and shall forthwith cleanse, purify and fumigate such building.

Section 5— The owner, agent, or occupant of any premises within the city limits, to which a privy, barn or other building belongs or appertains, who shall use or keep, or who shall permit the same to be used or kept in such a condition as to cause a nuisance, or offensive smell, so as to become a nuisance, shall remove or abate the same within twenty-four hours after being so ordered by the marshal.

Section 6— Whenever the marshal shall be informed of the existence of any nuisance prohibited by this ordinance, he shall forthwith give or cause to be given to the person or persons responsible therefor a notice to remove or abate the same, and if such nuisance be not removed or abated within twenty-four hours thereafter the marshal shall cause the same to be removed or abated, and he shall be and is hereby authorized to remove any obstruction that it may be necessary to remove in order to reach and remove or abate the same. The expense of the removal of any nuisance by the marshal shall be paid by the town in the first instance, and the marshal shall receive a fee of two dollars in every such case, which fee, together with the expense of removing and abating such nuisance, may be recovered

in a legal proceeding by the city against the person or persons notified as herein provided.

Section 7— When any of the conditions provided for by section 5 of this ordinance shall actually exist to the annoyance or inconvenience, detriment or injury of any person or persons, it shall be deemed a public nuisance.

Section 8— No person or persons shall deposit in any street or public place within the city limits, any boxes, cans, paper, dirt, trash, manure, straw, broken glass, bottles, crockery, nails or rubbish of any kind, and allow the same to remain for a longer time than twelve hours or obstruct any street or highway; or squat upon, enter into possession of, occupy, use, cultivate or enjoy; or build, construct or maintain any building, corral, fence, or other improvement upon; or remain or continue to use, cultivate, occupy, enjoy or maintain any building, corral, fence or other improvement upon any street, road or highway, or any portion thereof, within the city limits, or upon any land or real property belonging to the City of Cascade Locks. Provided, however, that no boxes, cans, paper, dirt, trash, manure, straw, broken glass, bottles, crockery, nails or rubbish of any kind shall be deposited at any place in the City of Cascade Locks other than a place or places designated by the Common Council of said city as a public dump.

Section 9— No person or persons shall fire any species of fire arms except in case of necessity or fire or explode any firecrackers, bombs, torpedoes or other explosive within the City of Cascade Locks without a permit signed by the mayor and recorder, to be granted under the supervision of the marshal; or 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 beans, stones, pebbles, or other substances, or thing in any public places within the city limits; or shall throw any snowball, pebble or missile of any kind within the city limits so as to strike or be in danger of or likely to strike people attending to their usual business, or passing to and fro in any public place, or so as to strike or be in danger of striking or likely to strike or come in contact with any glass door, window or other property susceptible to damage therefrom.

Section 10— No person or persons shall carry any fire arms, or deadly or dangerous weapons of any kind, in a concealed manner, within the corporate limits of Cascade Locks except on a permit signed by the mayor and recorder. Provided, that peace officers shall be exempt from the provisions of this section, and no person or persons shall resist any peace officer, or refuse to assist him in the discharge of his duties, or shall aid or assist any person in custody upon the charge of a violation of a city ordinance in his endeavor to escape from such custody. And no person or persons shall falsely assume or represent himself to be an officer of the City of Cascade Locks, or shall falsely or maliciously take upon himself to act as such, or shall offer, give or deliver to any prisoner in the custody of a peace officer, or confined to imprisonment within the city limits, any wine, spiritous or malt liquors, opium, morphine or any drug, except on the prescription of a practicing physician.

Section 11— No parent or guardian shall permit or allow a minor under the age of sixteen years to go abroad or wander about the streets or roads of Cascade Locks after the hours of nine o'clock at night, except on necessary business, unless accompanied by his or her parent or guardian.

Section 12— No person or persons shall trespass upon, deface or damage any real or personal property belonging to the City of Cascade Locks, or to any public or private corporation, or to any person or persons; or shall pile, saw or split any wood upon any sidewalk within the city; or shall congregate with

others in any street, road or any sidewalk or crosswalk in the city, in such manner as to obstruct a free passage therein or thereon, for vehicles or passengers.

Section 13— No person or persons shall conduct himself or themselves in any violent, riotous or disorderly manner; or shall use any profane, abusive or obscene language in any place, whereby the peace and quiet of the city is disturbed, or shall fight or become engaged in any riot or riotous assemblage, or shall commit an assault or assault and battery upon the person of another; or shall draw any species of firearms, or dirk, dagger or knife upon the person of another; or shall wilfully disturb, interrupt, disquiet or break up any public, social or religious meeting or assembly of people lawfully met for a lawful purpose, whether in a building or open air, within the City of Cascade Locks.

Section 14— No person or persons while in a drunken or intoxicated condition, shall go into any public place, street or place of business. And no person or persons shall disturb the peace or quiet of any inhabitant of the City of Cascade Locks by loud talking, yelling, whooping or singing in a boisterous or rude manner. And no person or persons shall beg the means of support in any public place, on the streets, from house to house, or elsewhere, or shall procure a child or children so to do, within the corporate limits.

Section 15— No person or persons, owning or being in the possession of any horse, mare, gelding, mule, cow or cattle, sheep, hog, goat, chicken, turkey, geese, duck, shall permit or allow the same to run at large within the corporate limits of the City of Cascade Locks, or shall permit or allow the same to be herded or staked or picketed upon any street, avenue, alley, road, highway, or public property of said City of Cascade Locks; and it shall be the duty of the marshal to take up any such animal or fowl running at large, or staked, or picketed, contrary to the provisions of this ordinance, and impound the same in some place provided by the city, or by the marshal. At any time thereafter, prior to the sale of such animal or fowl, as hereinafter provided, the owner or person entitled to the possession thereof, may have the same released upon the payment of the fees hereinafter allowed the marshal for such impounding and the necessary and reasonable charges and expenses which shall have been incurred in keeping and caring for such animal or fowl.

Section 16— Upon taking and impounding any animal or fowl, under the provisions of this ordinance, the marshal shall forthwith prepare four notices, which shall be substantially as follows, to-wit:

NOTICE IS HEREBY GIVEN that I did, on the day of 19... in the City of Cascade Locks, Oregon, take up and impound (herein description of property taken up and impounded) and that I will, on the day of 19... at the hour of of said day, in front of the City Hall in the City of Cascade Locks, Oregon, sell said property at public auction; to the highest bidder for cash in hand, for the purpose of paying fees, costs and expenses legally incurred in taking up, impounding and keeping said (here insert description of property) and the costs and expenses of making said sale.

Signed:
Marshal of the City of Cascade Locks.

One of said notices shall be posted in the office of the Recorder of the City of Cascade Locks; one shall be posted in front of the Council Chambers; one shall be posted at the post-office in said city; and one shall be mailed to the owner or owners, or person entitled to the possession of the property taken up and impounded, if known to the marshal; such notices shall be posted and mailed not less than ten days before the time set for the sale therein. At or

before the time of such sale, the marshal shall file a copy of said notice of sale, with his certificate attached thereto, showing the time and place of posting and the date of mailing said notice, together with the name and address of the person to whom said notice was mailed, or that the name and address of the owner or person entitled to the possession of said property is unknown; provided, that all such property shall be sold subject to the right of the owner or person entitled to the possession thereof, to redeem the same within thirty days after the date of such sale, upon the payment to the purchaser of the amount bid by him for said property, together with interest thereon at the rate of ten per cent per annum, and his reasonable costs and charges for keeping such property.

Section 17— Anyone having any interest in the property taken up and impounded, who shall feel himself aggrieved thereby, may at any time before the sale thereof takes place, make an affidavit before the Recorder of Cascade Locks, setting forth his interest in such property and the facts in relation thereto as claimed by him, and have the same tried out before said recorder, and if it appear to said recorder that said property ought not to have been taken up and impounded, the recorder shall make an order discharging the property so taken up and impounded, without charge to the claimant. If on the other hand it shall appear to the recorder that the taking and impounding was proper and rightful, he shall dismiss the proceedings and enter up a judgment against the claimant for all costs, charges and expenses made on such trial, and the same shall be paid out of the proceeds of the property taken up when sold, and if said property shall not be sufficient to pay the same, the recorder shall issue execution upon the judgment for whatever sum remains unpaid.

Section 18— The marshal shall, upon the sale of any property, file a certified statement with the recorder of said City of Cascade Locks containing:

1st. A brief description of the property sold; 2nd, the amount received for the same; 3rd, the name or names of the purchasers thereof; 4th, an itemized statement of his own and the recorder's fees, charges and expenses; 5th, the amount paid by the treasurer; which statement shall be entered in a book kept by the recorder for that purpose, and shall be at all times open for inspection by any party interested.

Section 19— The proceeds of any sale shall be paid forthwith by the marshal to the treasurer of Cascade Locks, less his own fees, all costs, charges and expenses, and the fees of the recorder; the marshal shall file a receipt therefor with the records. In all cases where the amount received upon the sale of any animal or fowl, or from the fines imposed under this ordinance, shall not be sufficient to pay the fees, expenses and charges of the marshal and recorder, the amount so received shall be apportioned between said officers in proportion to the amount due each, and the City shall not be liable for any greater amount.

Section 20— The marshal, besides the actual expenses of keeping an animal or fowl taken up and impounded under this ordinance, shall be entitled to recover as his legal fees the sum of one dollar per head for horses, geldings, mares, mules and cattle; fifty cents per head for swine, sheep and goats, and ten cents for each fowl, together with ten per cent of any and all sales made under the provisions of this ordinance.

Section 21— The recorder of Cascade Locks shall receive as his legal fees under the provisions of this ordinance, ten cents for filing notice of sale, ten cents for filing treasurer's receipt, fifty cents for entering the certified statement of the marshal, and ten cents for filing the same; fifty cents for docket entries in any one case, and three dollars

for hearing any contested case, to be paid by the contestant in advance.

Section 22— The owner or owners of any property sold under the provisions of this ordinance shall at any time within one year from the date of sale, upon satisfactory proof to the Common Council of such ownership, be entitled to an order upon the city treasurer for the proceeds of such sale, deposited as aforesaid.

Section 23— The following persons are hereby declared to be vagrants, and shall be subject to arrest and punishment as in this ordinance provided:

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

Second: Every person who shall solicit alms as a business, or be found begging the means of support.

Third: Every person who roams about from place to place within the corporate limits of the City of Cascade Locks, without any lawful business.

Fourth: Every person having no lawful means of support, who shall habitually be found loitering around any steamboat landing, railway depot, banking institution, place of amusement, street corner or crowded thoroughfare, or wandering about the public streets at a late or unusual hour at night.

Fifth: Every person found lodging in any barn, shed, shop, outhouse, vessel, railroad car, or place other than is kept for lodging purposes, without the permission of the owner or owners or person entitled to the possession thereof.

Sixth: Every person who frequents or stays in or about houses of ill fame, or who habitually associates with prostitutes.

Seventh: Every common prostitute or person found on the public street, or at the window of any house opening on any public street soliciting prostitution.

Eighth: Every person commonly known as a macquereaux or pimp.

Section 24— In all cases of prosecution under this ordinance, common fame shall be taken to be competent evidence in support of the complaint, and every house or place commonly known to be used or occupied for purposes of prostitution shall be taken and deemed to be a house of ill fame.

Section 25— Every person enumerated and described in Section 23 of this ordinance shall be deemed a vagrant, and upon conviction thereof before the recorder's court of the City of Cascade Locks, shall be punished by a fine of not less than \$5 nor more than \$25 or by imprisonment in the city jail not less than two nor more than fifteen days, or by both such fine and imprisonment, and shall also pay the costs of prosecution.

Section 26— No person or persons having control of any vehicle, automobile or other conveyances shall permit the same to obstruct the progress of the apparatus of the fire department of the City of Cascade Locks in going to a fire.

Section 27— No person shall wilfully injure any engine, house, nose, engine carriage, hose-cart or other apparatus of the fire department of the City of Cascade Locks; nor shall any person drive any vehicle, automobile, truck or other conveyances of any kind over any hose belonging to the fire department of the City of Cascade Locks when the same is laid for purpose of extinguishing fires.

Section 28— No person shall turn in any false fire alarm or ring the fire bell of the City of Cascade Locks except there be a fire threatened or in progress; provided, however, that the ringing of curfew by the marshal of the City of Cascade Locks shall not come within the purview of this section.

Section 29— The mayor and the members of the Common Council of the City of Cascade Locks are hereby constituted to be the City Board

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