

CITY OF LACEY

ORDINANCE No. 29

AN ORDINANCE relating to intoxication, disorderly conduct and indecent exposure; concealed weapons and drawing weapons; traducing and fighting; assault and battery; disorderly houses; prowling by criminals; houses of ill-fame and idling; obscene literature; gambling and gambling houses; unlawful assemblage; treatment of and cruelty to animals; poisons; destruction of property; removal of signs and bulletins; conduct with respect to police officers; throwing articles; interference with utilities; damaging trees and shrubs; playing in street; building materials, house moving, and blasting; sidewalks; careless driving; obstruction of railroad crossings; disposal of dangerous articles; defining offenses; and providing penalties.

The City Council of the City of Lacey do ordain as follows:

Section 1. Grammatical Construction - Application. The word "person" wherever used in this ordinance shall when necessary be held and construed to mean and include natural persons of either sex, associations, co-partnerships and corporations, whether acting by themselves or by servant, agent, or employee; the singular number shall, when necessary, be held and construed to include the plural and the masculine pronoun to include the feminine.

Section 2. Intoxication - Disorderly Conduct - Indecent Exposure - Unlawful. It shall be unlawful for any person to be found in a state of intoxication in or upon any private house, building, or premises not occupied by such person as a home, to be intoxicated to the annoyance of any other person, or to be found in an intoxicated condition in or upon any street, alley, or public place, or place open to public view, or, while being drunk, be incapable of taking care of him or herself, or within this City to act in a noisy, riotous or disorderly manner, or fight, or indecently expose his or her person, or appear in an indecent or vulgar manner in any public or open place.

Section 3. Concealed Weapons - Unlawful - Exception. It shall be unlawful for any person to carry upon his person any concealed weapon, consisting of either a revolver, pistol, or other firearm or any knife (other than an ordinary pocket knife) or any dirk or dagger, slingshot, metal knuckle or any instrument by use of which injury could be inflicted upon the person or property of another person, provided, that this section shall not apply to police officers and other persons whose duty is to execute process or warrants or to make arrests.

Section 4. Drawing Weapons - Unlawful. It shall be unlawful for any person to draw any species of firearm or any dirk, dagger, knife, or other dangerous or deadly weapon in the presence of another with intent to intimidate, annoy, or injure another person.

Section 5. Traducing - Inciting Fight - Unlawful. It shall be unlawful for any person to traduce another, or use any language or indulge in any conduct toward another person tending to produce a disturbance of the peace, or to challenge another person to fight.

Section 6. Assault - Battery Unlawful. It shall be unlawful for any person to willfully commit an assault or an assault and battery upon the person of another, or to provoke or attempt to provoke by word, sign or gesture another person to commit an assault or breach of the peace.

Section 7. Disorderly house --Unlawful. It shall be unlawful for any person, who shall keep any house, or place of business, to suffer or permit any loud or boisterous noises to be made therein after the hour of ten o'clock p.m., or to suffer or permit therein at any time, any riotous or disorderly conduct, drunkenness, or fighting to the annoyance of the public; and it shall be unlawful for any person to keep any house of public resort wherein the peace, comfort, quietude or decency of the public may be suffered or permitted to be disturbed, or to keep any inn, hotel, lodging house, boarding house, bar room or saloon in a disorderly house.

Section 8. Disorderly persons --Unlawful. It shall be unlawful for any person to be idle, or dissolute, or to go about begging, or to use any juggling or other unlawful game or plays, or to be a runaway, pilferer, confidence-man, common drunkard, common night walker, or to use profane or vulgar language, on the streets or alleys of the city, or to be a common railer or brawler, or to be habitually neglectful of his employment or calling, or not to lawfully provide for himself or the support of his family, or to habitually misspend his time by frequenting houses of ill-fame, gambling houses, or saloons, or places where intoxicating liquors are sold or given away or kept or harbored for the purpose of selling or giving away liquors contrary to law, or to lodge in or be found in the night time in any out-house, shed, barn, unoccupied building, vehicle, or to enter any motor vehicle, housetrailer, other trailer or boat within the City of Lacey, without permission from the person owning the same or having control thereof, and not give a good account of himself.

Section 9. Criminals - Prowling - Unlawful. It shall be unlawful for any person who is known to be a thief, burglar, or pickpocket, either by his own confession or otherwise, or having been convicted of larceny, burglary, or other crime against the laws of the state or ordinance of this city, punishable by imprisonment in the state prison, or in the jail of any city or county, and having no lawful means of support, to be habitually found prowling around any banking institution, brokers office, place of public amusement, auction room, store, shop or crowded thoroughfare, car or omnibus, or at any public gathering or assemblage or lounging about any courtroom, private dwelling house, out-house, or in any house of ill-fame or saloon.

Section 10. Obscene literature - Exhibiting - Unlawful. It shall be unlawful for any person to exhibit in any public place any obscene or indecent book, magazine, pamphlet, newspaper, story paper, printed paper, written paper, picture engraving, drawing or photograph or any book, pamphlet, magazine, newspaper or other paper devoted to the publication or principally made up of criminal news, police reports or account of criminal deeds, or pictures or stories of deeds of bloodshed, lust or crime.

Section 11. Obscene Literature -- Printing - Selling - Etc. -- Unlawful. It shall be unlawful for any person to print, publish, sell, lend, give away, distribute or show, or have in his possession with intent to sell, give away, distribute, show or advertise or to offer to lend, give away, sell or distribute, show or advertise or to design, copy, draw, photograph, print, or cause to be written or printed, any notice of any kind giving information or to give information stating when, where, or how, or of whom or by what means any person can purchase, or obtain any obscene or indecent book magazine, pamphlet, newspaper, story paper, printed paper, written paper, picture, engraving, drawing or photograph, or to sell, lend, give away or show, or have in his possession with intent to sell, give away, lend, or show, advertise or otherwise offer for loan, gift, sale or distribution to any minor child, any book, pamphlet, magazine, newspaper or other printed paper devoted to the publication or principally made up of criminal news, police reports, or accounts of criminal deeds, or pictures or police reports, or accounts of criminal deeds, or pictures or stories of deeds of bloodshed, lust or crime, or to exhibit in any place, within the view or which may be within the view of any

minor child, or to hire, use or employ any minor child to sell or give away, or in any manner to distribute, or having the care, custody or control of any minor child, permit such child to sell, give away, or in any manner to distribute any book, magazine, pamphlet, newspaper, story paper, writing paper, picture, engraving, drawing, photograph, or other article or thing coming within the description of articles and matters mentioned in this section, or any of them.

Section 12. Gambling - Unlawful. It shall be unlawful for any person or persons to deal, play at, wager any thing, or value upon, or in any manner take part in, or carry on, or cause to be opened, or to conduct, set up, keep or exhibit any game of faro, monte, roulette, lansquenette, rouge et noir, rondo, poker, draw poker, keno, or E.O. or roulette table or shuffle board, or fan tan, or any gaming table or game whatever for the purpose of gambling or any game of chance for the purpose of winning or securing money by chance played with cards, dice or any device of whatever kind or nature, whether or not of the kind of character herein mentioned for money, checks, credits, or any representative of value whatever, or to have in his possession to be used for the purpose of gambling or winning money by chance any gaming device whatever.

Section 13. Gambling Houses - Unlawful. It shall be unlawful for any person to keep or maintain any gambling house, or room or any place where betting is done for the purpose of winning money by chance or to procure or permit any persons to come together in any house, or premises, or place occupied or owned by him or under his control, for the purpose of gaming or winning money or any thing of value by chance, or to, for the purpose of gaming, keep or permit in any such house, premises, or place any gaming, or gambling devices whatever for the purpose of gaming, gambling, or winning money or any thing of value by chance. Any and all gambling devices which may be taken in enforcing this ordinance shall be confiscated by the police department and destroyed under order of the presiding magistrate.

Section 14. Unlawful Assemblages - Defined - Penalty. It shall be unlawful for any persons to collect in crowds for unlawful purposes, or any purpose to the annoyance or disturbance of citizens or travelers, and any person who shall be one of any such crowds or congregation, or refuses to separate therefrom when so requested by any police officer of the City of Lacey, or who shall willfully attract the attention of persons and cause them to congregate for such purposes, shall be deemed guilty of a violation of this section.

Section 15. Animals - Cruelty To - Unlawful. It shall be unlawful for any person to willfully and unreasonably attack, beat or wound any domestic animal, or compel or allow it to work, or drive it, or allow it to be driven when over-loaded, or sick, or lame, or crippled, or with yoke or harness that chafes or galls it, or with check rein or any part of its yoke or harness too tight for its comfort, or at night when it has been six (6) consecutive hours without a full meal, or to otherwise cause any domestic animal pain or discomfort, or to, having the care and custody of any domestic animal, willfully and unreasonably endanger its health or life by depriving it of, or neglecting to provide it with food, water, air, light or space fairly sufficient for its needs and comfort, or neglect to keep it covered, and every police officer of this City shall have authority, and it is hereby made his duty, summarily to relieve any animal which is suffering from violence or constraint contrary to any provision of this ordinance, in all cases which can be readily and summarily relieved by him.

Section 16. Animals - Injuring - Killing - Cruelty - Unlawful. It shall be unlawful for any person to willfully and cruelly injure or kill any animal by any mode or means causing it unnecessary fright or pain.

Section 17. Animals - Precipitating Fight - Unlawful. It shall be unlawful for any person to set on foot, instigate, promote or carry on, or act as assistant, umpire or principal, or to be a witness of, or to in any manner aid or engage in the furtherance of any fight between cocks, or other fowls, birds, dogs, bears, or other animals.

Section 18. Poisons - Public Exposure To - Unlawful. It shall be unlawful for any person to lay out or expose any kind of poison or to leave exposed any poisoned food or drink for man, animal, bird or fowl, or any substance or fluid whatever, whereon or wherein there is or shall be deposited or mingled any kind of poison or poisonous or deadly substance or fluid whatsoever, on the premises of another or in any unenclosed place, or to aid or abet any person in doing so.

Section 19. Buildings - Structures - Malicious Destruction - Unlawful. It shall be unlawful for any person to wantonly destroy, cut, remove, deface, mark, or write upon, or in any manner injure any window, fence, gate, bridge, dwelling house, engine house, building, hitching post, awning, railing or any other property, public or private, not his own.

Section 20. Personal Property - Malicious Destruction - Unlawful. It shall be unlawful for any person to willfully destroy, mutilate, deface or in any manner injure any personal property of any kind or character, public or private, not his own.

Section 21. Street Signs - Removal - Injury - Unlawful. It shall be unlawful for any person to remove, deface, injure, or destroy any street sign, or any sign erected or placed in or adjacent to any street, indicating the name of such street, or any legal notice of lawful signature or advertisement whatever.

Section 22. Official Bulletins - Tampering - Destroying - Unlawful. It shall be unlawful for any person, not an officer or employee of the City of Lacey, to remove, or destroy or tear down, or deface, either in whole or in part, or to mark or write upon, change, obliterate or mar, or in any manner alter or change the writing, printing or signature or any part of such writing, printing or signature upon any official bulletin, notice, poster, or paper, writing of said city, which shall be by any employee or officer of said city, placed or posted upon the walls or other parts of any public building or public place, or upon any bulletin board or other place of said city, or upon or in any building owned by said city or occupied by its or any of its officers as public building, or upon any bulletin board on or in any such last mentioned building or buildings.

Section 23. Officers - Impersonation - Unlawful. It shall be unlawful for any person, not being a member of the police force of the City of Lacey, or a special policeman appointed in accordance with the ordinances of the city, to represent to any person that he is a policeman, police officer, city detective or any other member of the police force of the city, to the fear, annoyance or discomfort of any person.

Section 24. Officers - Resisting - Hindering - Unlawful. It shall be unlawful for any person to knowingly and willfully resist, oppose, hinder or delay any member of the police force of the City of Lacey, or any peace officer or deputy in any department of the city government in the discharge of any official act or duty, or to neglect or refuse to obey any lawful order or direction of any such peace officer in the discharge of any lawful act or duty.

Section 25. Officers - Custody - Rescuing - Aiding Escape - Unlawful. It shall be unlawful for any person to rescue or attempt to rescue any person from the custody of any member of the police force of the City of Lacey or from any other person legally having him in charge, or aid, or attempt to aid the escape of any person from any such custody, or from any city prison,

or to advise or encourage any such escape, or to supply any person, being in such custody or prison, with any weapon or with any implement or means of escape, or with intoxicating liquor, or with any opium, morphine, or other narcotic.

Section 26. Officers - Refusing to Assist - Unlawful. It shall be unlawful for any male person, over the age of eighteen (18) years, when requested or called upon by any member of the police force, or by the Mayor, to render aid in making an arrest, or to aid in enforcing the laws and ordinances in force in the city, or to aid in preserving the peace and safety of the city, or to aid in the execution of the official duty of any peace officer, to willfully refuse or neglect to promptly give such aid.

Section 27. Throwing Articles - Unlawful. It shall be unlawful for any person to rudely or mischievously throw any thing at, against or upon any house, building, structure, vehicle, car or any premises, or any person to the annoyance of any person.

Section 28. Water - Gas Pipes - Electric Lines - Interference - Unlawful. It shall be unlawful for any person to cut, alter, change, remove, disconnect or connect with, or in any manner interfere, meddle or tamper with any water main, pipe, stop-cock, meter, hydrant, pump, or conduit, owned or used by the City of Lacey or by any private owner without the permission or consent of the proper officer or of such private owner.

Section 29. Trees - Malicious Damage - Unlawful. It shall be unlawful for any person to tie or fasten any horse or other animal to any tree, or to any post or box placed near or about such tree for protection thereof, or to post any bill or placard upon any such tree, or any such post or box near or about the same, or climb any such tree or to cut down, mutilate, girdle, dig up, remove or in any manner whatever injure or destroy any tree upon any private premises, without permission of the owner.

Section 30. Shrubs - Flowers - Damaging - Unlawful. It shall be unlawful for any person to pick, pull up or in any manner injure or destroy any flower, foliage, flowering plant, or shrubbery in or upon any property not his own.

Section 31. Baseball-- Playing - Restrictions. No person shall play any game of ball or throw to and fro any ball or other substance in any street, or alley.

Section 32. Sidewalks - Bicycles Prohibited - Exceptions. It shall be unlawful for any person to run by riding any bicycle, tricycle, or auto-cycle upon the sidewalk of any street in the City of Lacey, provided, however, that this shall not apply to invalids or children under ten years of age riding tricycles.

Section 33. Careless Driving - Unlawful. It shall be unlawful for any person to carelessly, heedlessly or negligently ride or drive any horse or other animal or ride or propel any automobile or motor vehicle, in, through or over any public place so that such animal or vehicle attached thereto, or any such automobile or motor vehicle shall come in collision with any other animal or vehicle, or shall strike against any person.

Section 34. Railroad Crossings -Trains Obstructing. It shall be unlawful for any person in charge of any railroad train or switch train or any railroad locomotive or engine, or the engineer or conductor thereof, to obstruct or to remain in or upon any public place or railroad crossing or the right-of-way thereof so as to obstruct or interfere with pedestrian or vehicular traffic over the same for a longer period than five (5) consecutive minutes at any one time, or to cause any railroad car or cars or railroad locomotive or engine to be moved back and forth at any such public place or railroad crossing or the right-of-way thereof so as to obstruct or interfere with pedestrian or vehicular traffic over the same for a longer period than five (5) consecutive minutes at any one time.

Section 35. Throwing - Depositing -- Dangerous Articles - Unlawful.
It shall be unlawful for any person to throw or deposit in any public place, any broken glass, crockery, nails or any substance whatever whereby the feet of pedestrians, horses, or other animals or the tires of automobiles or other vehicles may be injured.

Section 36. Any person convicted of a violation of this ordinance shall be punished by a fine of not more than \$500 or by imprisonment for not more than 6 months or by both such fine or imprisonment.

This ordinance adopted this 20th day of April, 1967.

A. G. Homam
A. G. Homam -- Mayor

ATTEST:

Tim C. Burman
CITY CLERK

APPROVED:

John R. Krane
CITY ATTORNEY

PASSED: _____

POSTED: _____

PUBLISHED: _____