

## CHAPTER VIII

### OFFENSES

#### ARTICLE 1.

#### Offenses Against Public Peace

##### 8.0101 Tumultuous Conduct.

No person in the City shall disturb, tend to disturb, or aid in disturbing the peace of others by violent, tumultuous, offensive or obstreperous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by him or under his control.

##### 8.0102 Assault.

No person in the City shall beat, strike, wound, imprison, or inflict violence on another where the circumstances show malice or assault another with intent to commit murder, rape, mayhem, robbery, or larceny. Nor shall any person assault another with a lethal weapon, instrument, or thing with intent to commit upon the person of another any bodily injury where no considerable provocation appears or where the circumstances of the assault show malice.

##### 8.0103 Fighting.

No person in the City shall fight another person except in boxing exhibitions duly authorized and licensed under law.

##### 8.0104 Vagrancy.

No person in the City shall have the status or condition of a "vagrant." The following persons shall be deemed vagrants:

1. **Burglars' Tools.** Any person upon whose person or in whose possession shall be found any instrument, tool, or other implement for picking locks or pockets, or any implement that is usually employed or that reasonably may be inferred to have been designed to be employed in the commission of any felony, misdemeanor or the violation of any ordinance, and who shall fail to account satisfactorily for the possession of the same.
2. **Unlawful Occupancy.** Any person wandering abroad and occupying, lodging, or sleeping in any vacant or unoccupied barn, garage, shed, shop, or other building or structure, or in any automobile, truck, railroad car, or other vehicle, without owning the same or without permission of the owner or person entitled to the possession of the same, or sleeping in any vacant lot during the hours of darkness and not giving a satisfactory account for himself.

3. **Begging.** Any person wandering abroad and begging; or any person who goes about from door to door of private homes or commercial and business establishment, or places himself in or upon any public way or public place to beg or receive alms for himself.

#### 8.0105 Disturbing Religious Worship.

No person in the City shall disquiet or disturb any congregation or assembly for religious worship by making a noise or by rude or indelicate behavior, or profane discourse within their place of worship, or so near the same as to disturb the order or solemnity of the meeting.

### ARTICLE 2.

#### Offenses Against Public Safety

#### 8.0201 Weapons, Carrying Concealed.

No person in the City shall wear under his clothes, or conceal about his person, or display in a threatening manner, any dangerous or deadly weapon, except as authorized by law, including, but not by way of limitations, any pistol, revolver, slingshot, cross-knuckles or knuckles of lead, brass, or other metal, or any bowie knife, or any knife resembling a bowie knife, or any knife with a switch-blade or device whereby the blade or blades can be opened by a flick of a button, pressure on the handle, or other mechanical contrivance.

#### 8.0202 Weapons, Possession of, Exceptions When.

No person in the City shall use a revolver or pistol of any description, shotgun, or rifle which may be used for the explosion of cartridge, or any air-gun, "B-B gun," gas-operated gun or spring gun, or any instrument, toy or weapon commonly known as a "peashooter," "slingshot," or "beany," or any bow made for the purpose of throwing or projecting missiles of any kind by any means whatsoever, whether such instrument is called by any name set forth above or by any other name.

1. **Exception for Licensed and Other Specific Premises.** The prohibition of sub-section 8.0202 above shall not apply to licensed shooting galleries or in private grounds or premises under circumstances when such instrument can be fired, discharged or operated in such a manner as not to endanger persons or property, and also in such manner as to prevent the projectile from traversing any grounds or space outside the limits of such gallery, grounds or residence.
2. **Exception for Authorized Officials.** The prohibition of this sub-section shall not be construed to forbid United States marshals, sheriffs, constables, and their deputies, and any regular, special, or ex-officio police officer, or any other law enforcement officer from carrying or wearing while on duty such weapons as shall be necessary in the proper discharge of their duties.

8.0203 Weapons, Forfeiture Of.

Every person convicted of a violation of Sections 8.0201 or 8.0202 shall forfeit to the City such dangerous or deadly weapon so concealed or displayed.

8.0204 Weapons, Disposition Of.

Every police officer, upon making any arrest and taking a weapon used in violation of this Article, shall deliver the same to a designated official, to be held by him until the final determination of the prosecution for said offense; and upon the finding of guilt, it shall then be the duty of said designated official to make disposition of the weapon.

8.0205 Throwing Missiles.

It shall be unlawful for any person in the City to throw any stone, snowball or any other missile upon or at any vehicle, building, tree, or other public or private property, or upon or at any person in any public or private way or place or enclosed or unenclosed ground.

8.0206 False Alarms.

No person in the City shall intentionally make, turn in, or give a false alarm of fire, or of need for police or ambulance assistance, or aid or abet in the commission of such act.

8.0207 False Reports.

No person in the City shall make to, or file with, the police department of the City any false, misleading, or unfounded statement or report concerning the commission or alleged commission of any crime occurring in the City.

8.0208 Interference with Officers.

No person in the City shall resist any police or fire officer, any member of the police or fire departments, or any person duly empowered with police or fire authority, while in the discharge or apparent discharge of his duty, or in any way interfere with or hinder him in the discharge of his duty.

ARTICLE 3.

Offenses Against Property

8.0301 Against Public and Private Property.

- a. Injury or Removal. No person in the City shall willfully, maliciously, wantonly, negligently or otherwise injure, deface, destroy or remove real property or improvements thereto, or moveable or personal property, belonging to the City or to any person in the City.

- b. **Scattering Rubbish.** No person in the City shall throw or permit to be deposited or scattered upon any sidewalk, alley, street, bridge or public passageway, or upon any private property, any waste or other material of any kind.
- c. **Posting Notices.** No person in the City shall fasten in any way any show-card, poster or other advertising device upon public or private property in the City unless legally authorized to do so.
- d. **Tampering with Vehicles.** No person in the City shall, without the consent of the owner or person in charge of a vehicle, climb into or upon such vehicle with the intent to commit any crime, malicious mischief or injury thereto, or who, while a vehicle is at rest and unattended, shall attempt to manipulate any of the levers, starting devices, brakes or other mechanism thereof or to set such vehicle in motion. Except, the provisions of this section shall not apply when such act is done in an emergency in furtherance of public safety or convenience or by or under the direction of an officer in the regulation of traffic or the performance of any other official duty.

#### 8.0302 Against Public Property.

- a. **Tampering.** No person in the City shall tamper with, unjure, deface, destroy or remove any sign, notice, marker, fire-alarm, box, fire-plug, topographical survey monument or any other personal property erected or placed by the City.
- b. **Obstructing Passageways.** No person in the City shall place or erect upon public way or passageway to any building an obstruction of any type, provided that this sub-section shall not prevent the duly authorized or required placing of temporary barriers or warning signs for the purpose of safeguarding the public.
- c. **Removal of Earth.** No person shall move, disturb, or take any earth, stone or other material from any public street, alley, park or other public ground.

### ARTICLE 4.

#### Offenses Against Morals

#### 8.0401 Prostitution.

1. **Committing.** No person in the City shall commit or offer or agree to commit lewd act or an act of prostitution or moral perversion.
2. **Securing.** No person in the City shall secure or offer another for the purpose of committing a lewd act or an act of prostitution or moral perversion.
3. **Frequenting.** No person in the City shall be in or near any place frequented by the public, or any public place, for the purpose of inducing, enticing, or procuring another to commit a lewd act or an act of prostitution or moral perversion.

4. Meretricious Display. No person in the City shall make a meretricious display in or near any public place, any place frequented by the public, or any place open to the public view.
5. Transportation. No person in the City shall knowingly transport any person to any place for the purpose of committing a lewd act or an act of prostitution or moral perversion.
6. Permitting. No person in the City shall knowingly receive, or offer or agree to receive any person into any place or building for the purpose of performing a lewd act, or an act of prostitution or moral perversion, or to knowingly permit any person to remain in any place or building for any such purpose.
7. Directing. No person in the City shall direct or offer to direct any person to any place or building for the purpose of committing any lewd act or act of prostitution or moral perversion.
8. Aiding. No person in the City shall aid, abet, allow, permit, or participate in the commission of any of the acts prohibited in sub-sections 107 above.

#### 8.0402 Vulgar Language.

No person in the City shall use vulgar, profane, or indecent language on any public street or other public place or in any public dance hall, club dance, skating rink, or place of business open to public patronage.

#### 8.0403 Indecent Exposure.

No person in the City shall publicly expose his person or make any indecent gestures.

#### 8.0404 Window Peeping.

No person in the City shall look, peer, or peep into, or be found loitering around or within view of, any window not on his own property with the intent of watching or looking through said window.

#### 8.0405 Gambling.

1. Participation Prohibited. No person in the City shall engage in a game of chance prohibited by the statutes of the State of North Dakota or the ordinances of this City.
2. Possession of Materials. No person in the City shall have in his possession any evidence of illegal gambling in the nature of policy or pool tickets, slips or checks or memoranda of any combination or bet, or any policy wheel, dice, implement, apparatus or material of any form of illegal gambling or lottery.

8.0406 Animals.

1. Cruelty to Animals. No person in the City shall overdrive, overload, drive when overloaded, overwork, torture, cruelly beat, mutilate or needlessly kill, or carry or transport in any vehicle or other conveyance in a cruel and inhumane manner, any animal; or cause any of these acts to be done.
2. Food and Shelter. No person in the City shall fail to provide any animal in his charge or custody with necessary sustenance, drink, and the protection from the elements, or cause any of these acts to be done.
3. Abandonment. No person in the City shall abandon any animal, or cause such act to be done.
4. Poisoning Dogs. No person in the City shall poison any dog or dogs or distribute poison in any manner whatsoever with the intent or for the purpose of poisoning any dog or dogs.