

Published in The Herald Journal on March 30th 1928.

Ordinance No. 27

AN ORDINANCE DEFINING CERTAIN MISDEMEANORS AND PRESCRIBING A PENALTY FOR VIOLATION THEREOF.

The village council of Shelly do ordain as follows:

Section 1. Penalty. The doing of any of the acts or things prohibited or the failing to do any of the things or acts commanded to be done as set forth in this ordinance is hereby declared to be an offence against the good order, public peace, morals, health, welfare and proper government of this village and unlawful, and any person convicted of violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor.

OFFENSES AGAINST PUBLIC JUSTICE.

Section 2. Rescuing Prisoners. Every person who, by force or fraud, shall rescue or aid in escape from lawful custody, or from an officer or person having him in lawful custody, a prisoner held upon a charge, arrest, commitment, conviction, or sentence for violation of a village ordinance, or conceal such person after his escape, shall be guilty of a misdemeanor.

Section 3. Escape from Jail. Every prisoner who shall escape from custody, or who shall depart from the village jail without permission or shall fail to return in accordance with his permission, shall be guilty of a misdemeanor.

Section 4. Refusing to Execute Judicial Orders. Every person who, after having been lawfully commanded by any magistrate to arrest another person for violation of a village ordinance shall wilfully neglect or refuse to do so, and every person, who after having been lawfully commanded to aid an officer in arresting any person or in re-taking any person who has escaped from lawful custody or in executing any legal process for violation of a village ordinance shall be guilty of a misdemeanor.

Section 5. Obstructing an Officer. Every person who in any case or under any circumstances not otherwise specially provided for shall wilfully resist, delay, or obstruct a village officer in discharging or attempting to discharge a duty of his office, shall be guilty of a misdemeanor.

Section 6. Threatening an Officer. Every person who shall directly or indirectly address any threat or intimidation to a village officer, or to any appraiser or assessor, or to any other person authorized by law to hear or determine any controversy or matter, with intent to induce him, contrary to his duty, to do or make, or to omit or delay any act, decision or determination, shall be guilty of a misdemeanor.

Section 7. Conspiracy against Justice. Whenever two or more persons shall conspire to commit any act injurious to the public health, public morals, trade or commerce, or for the perversion or obstruction of public justice or the due administration of the laws in this village every such person shall be guilty of a misdemeanor whether said act is committed or not.

Section 8. Compromising Offenses. Any person who has made a legal complaint against any other person before the village justice of the peace for the violation of any ordinance thereof, who shall settle or compromise the same at any time after said complaint is filed, and before the trial of such case without permission from the said judge shall be guilty of a misdemeanor.

Section 9. Impersonating an Officer. Any person who shall exercise or assume to exercise any of the powers conferred upon a peace officer or who shall falsely represent himself to be such an officer, or to possess the power and authority thereof, except he be a duly authorized officer of the law shall be guilty of a misdemeanor.

OFFENSES AGAINST THE PUBLIC PEACE.

Section 10. Disturbing Peace. Every person who, without authority of law, shall wilfully disturb any assembly or meeting not unlawful in its character, or who shall wilfully use profane, offensive, or indecent language, or engage in any quarrel in any public place, shall be guilty of a misdemeanor.

Section 11. Unlawful Assemblage. Whenever three or more persons shall assemble with intent -

1. To commit any unlawful act by force;
2. To carry out any purposes in such a manner as to disturb the public peace; or,
3. Being assembled, shall attempt or threaten any act tending toward a breach of the peace or injury to persons or property, or any unlawful act -

Such an assembly is unlawful, and every person participating therein by his presence, aid, or instigation shall be guilty of a misdemeanor.

Section 12. Refusing to Disperse. Every person who shall remain present at the place of an unlawful assembly, after having been warned to disperse by a magistrate or village officer, unless as a village officer or at the request of any such officer he shall assist him in dispersing the same, or in protecting persons or property or in arresting offenders, shall be guilty of a misdemeanor.

Section 13. Aiming Weapons Toward Human Beings. Every person who shall aim any gun, pistol, revolver, or other firearm, whether loaded or not, at or towards any human being, or who shall wilfully discharge any firearm, air gun, or other weapon, or throw any deadly missile, in a public place, or any place where there is any person to be endangered, although no injury actually results, shall be guilty of a misdemeanor.

Section 14. Minors not to use Firearms. No minor under the age of fourteen years shall handle, or have in his possession or under his control except while accompanied by or under the immediate charge of his parent or guardian any firearm of any kind for hunting or target practice or any other purpose. Every person violating any of the foregoing provisions or aiding or knowingly permitting any such minor to violate the same, shall be guilty of a misdemeanor.

Section 15. Certain Fireworks Prohibited. The sale, possession, or use of the following types of "firecrackers" are hereby prohibited within this village: toy guns, toy cannons, detonation canes, blank cartridges, firecrackers exceeding 3 inches in length or 1/2 inch in diameter, firecrackers of any size containing explosives more powerful than black powder, torpedoes exceeding 3/4 inch in diameter, and any substance consisting of chlorate of potash and sulphur, or containing picric acid or picrates or any device for discharging or exploding such substance.

Section 16. Use of Fireworks. It shall be unlawful for any person to place any explosive substance upon the tracks of any railroad, to set off any fireworks within three hundred yards of a hospital, school or other public building or between the hours of midnight and six A. M. or on any day of the year other than July 4th, except when such day falls on Sunday; then upon the following day, or to maintain any stand for the sale of fireworks

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within 200 feet of any other such stand or to set off any fireworks of any kind in any street or public park or within 500 feet of any stand or store where fireworks or other explosives are kept or sold, or in or near inflammable materials or within 500 feet of any place where dangerous liquids are stored or dispensed, or to throw lighted firecrackers into any street or into any vehicle proceeding along any street, or near any animal or at or near any person so as to surprise and frighten such animal or person.

Section 17. Sales to Minors. No person shall sell or offer for sale, or give away any fireworks of any character whatever to minor persons under the age of ten (10) years.

Section 18. Provoking Assault. Any person who shall use in reference to and in the presence of another, or in reference to or in the presence of any member of the family of another, abusive or obscene language, intended, or naturally tending to provoke an assault or any breach of the peace, shall be guilty of a misdemeanor.

Section 19. Assault. Any person who shall attempt unlawfully to strike or who shall strike, or in any unlawful manner offer to do or do any bodily harm to another person or who shall unlawfully make an attempt to apply any degree of force or violence to the person of another or who shall in a violent, rude, angry or insolent manner touch or lay hands upon the person of another shall be guilty of a misdemeanor.

OFFENCES AGAINST PUBLIC HEALTH AND SAFETY.

Section 20. Itinerant Carnivals. Itinerant carnivals are hereby declared to be a public nuisance and are prohibited. Any person who shall participate in allowing or conducting any itinerant carnival shall be guilty of a misdemeanor.

Section 21. Obstructing Health Officers. It shall be unlawful for any person to oppose or obstruct a member of the village board of health or any health officer or physician charged with the enforcement of health laws, in performing any legal duty, or for any person to obstruct or hinder the entry of such health officers upon premises or into buildings or other places where contagion, infection, filth or other source or cause of preventable disease exists or is reasonably suspected.

Section 22. Adulteration. Every person who, with intent that the same may be sold as unadulterated or undiluted, shall adulterate or dilute milk, or any drugs, medicine, food or drink for man or beast; or shall offer for sale or sell the same in this village as unadulterated or undiluted, or without informing the purchaser that the same has been adulterated or diluted; or shall manufacture, sell, or offer for sale, as such article of food or drink, any substance in imitation thereof, without disclosing the imitation by a suitable and plainly visible mark or brand; or with intent that the same may be used as food, drink, or medicine, shall sell, or offer for sale, any article whatsoever which to his knowledge has become spoiled, tainted, or for any cause unfit to be used as food, drink or medicine, shall be guilty of a misdemeanor.

Section 23. Setting Fire. Every person who shall negligently or carelessly set on fire, or cause to be set on fire, any combustible material whether on his own land or not, by means whereof the property of another shall be endangered or shall negligently suffer any fire upon his own lands to extend beyond the limits thereof, shall be guilty of a misdemeanor.

Section 24. Railroad Warning Signals. Every engineer in charge of a locomotive on any railway, who shall fail to ring the bell or sound the whistle upon such locomotive, or cause the same to be rung or sounded, at least eighty rods in advance of any place where such railway crosses a traveled road or street on the same level, or to continue the ringing of such bell or sounding of such whistle at intervals until such locomotive and the train thereto attached shall have completely crossed such road or street, shall be guilty of a misdemeanor.

Section 25. Expectorating. Any person who shall expectorate in or on any public building, or public conveyance, or upon any sidewalk abutting on any public street shall be guilty of a misdemeanor.

Section 26. Speed of Trains. Every person who shall operate or permit to be operated across any grade crossing, within the village, any railroad engine or train at a speed of more than twenty-five miles per hour shall be guilty of a misdemeanor.

OFFENSES AGAINST MORALITY, DECENCY, ETC.

Section 27. Minors using Tobacco. Every person under the age of eighteen years, and every minor pupil in any school, who shall smoke or use cigarettes, cigars or tobacco in any form, shall be guilty of a misdemeanor, and every person who shall furnish any tobacco in any form to any such minor person, or shall permit any such minor person to frequent any premises owned, held, or managed by him, for the purpose of indulging in the use of tobacco in any form, shall be guilty of a misdemeanor.

Section 28. Indecent Exposure. Every person who shall wilfully and lewdly expose his person, or the private parts thereof, in any public place, or in any place where others are present, or shall procure another to so expose himself, and every person who shall be guilty of any open or gross lewdness or lascivious behavior, or any public indecency other than hereinbefore specified, shall be guilty of a misdemeanor.

Section 29. Lottery Tickets. Every person who shall sell, give or in any way whatever furnish or transfer to or for another a ticket, chance, share, or interest, advertise or publish an account of a lottery, stating how, when, or where the same is to be or has been drawn or what are the prizes therein, or the price of a ticket, or any share of interest therein, or where or how it may be obtained, shall be guilty of a misdemeanor.

Section 30. Lotteries. Every person who shall offer for sale or distribution real or personal property in any way, to be determined by lot or chance dependent upon the drawing of a lottery, or who shall set up, or keep a place for registering the numbers of the tickets in a lottery or for making bets, for the drawing or result of such lottery; or who shall publish any account of setting up, or keeping of such an office or place; or who shall let or permit to be used any building or portion thereof owned or controlled by him knowing that it is intended to be used for any of the purposes specified in this section shall be guilty of a misdemeanor.

Section 31. Gambling. Every person who shall bet any money or other property at or upon a gaming table, game, or device shall be guilty of a misdemeanor.

Section 32. Allowing Premises To Be Used for Gambling. Every person who shall permit any gambling device to be set up or used for the purposes of gambling in any premises owned, occupied, or controlled by him shall be guilty of a misdemeanor.

Section 33. Disorderly Houses. Every person who shall open, keep, maintain, frequent or inhabit any disorderly or immoral house shall be guilty of a misdemeanor.

Section 34. Co-habitation. Every man and woman not married to each other, who shall abide and co-habit with each other shall be guilty of a misdemeanor.

Section 35. Obscene Literature. Every person who shall bring or cause to be brought into this village or who shall buy, sell or cause to be bought or sold, or advertise, give away, offer, show, exhibit, post up, distribute, design, copy, draw, photograph, print, etch, engrave, cut, carve, make, publish, or otherwise prepare or assist in preparing or receive subscriptions for, any indecent or obscene picture, book, pamphlet, or magazine shall be guilty of a misdemeanor.

Section 36. Immoral Shows. Any person who shall produce, give, take part in producing or giving any immoral show or exhibition or permit the same to be done shall be guilty of a misdemeanor.

Section 37. Indecent Exposure of Animals. Any person who shall publicly exhibit or exercise or let to any animal of the opposite sex, any stallion, jackass, bull, boar, ram, or billy goat in this village shall be guilty of a misdemeanor.

OFFENSES AGAINST PRIVATE PROPERTY.

Section 38. Malicious Mischief. Every person who, not being the owner thereof, and without lawful authority, shall wilfully injure, disfigure, remove or destroy a useful or ornamental improvement, shade tree or ornamental plant, or who shall wilfully mar or deface any building or signboard or other property not his own, shall be guilty of a misdemeanor.

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Section 39. No Smoking Signs. Every person who shall light a pipe, cigar, or cigarette in, or shall enter with a lighted pipe, cigar, or cigarette any mill or other building on which is posted in a conspicuous place, over or near the entrance a notice, in plain, legible characters stating that no smoking is allowed in such building, and every person who shall deface, destroy, or remove any such notice, shall be guilty of a misdemeanor.

Section 40. Posting Bills. Any person who shall put up any hand bills, advertisements, posters, show bills, or other sign on any building, pole, or property not his own, without permission from the owner thereof, shall be guilty of a misdemeanor.

Section 41. Joy Riding. Any person who shall take and use any horse or other domestic animal or any automobile or other vehicle or conveyance or other personal property belonging to another with intent to deprive the owner of the property of the temporary use thereof without the owner's knowledge, but not with the intent to steal or convert the same permanently, to his own use, shall be guilty of a misdemeanor.

OFFENSES AFFECTING PUBLIC PROPERTY.

Section 42. Damaging Public Property. Every person who shall wilfully or maliciously displace, remove, injure, or destroy -

1. A highway, or private way laid out by authority of law, or a bridge upon such public or private way;

2. A tree, rock, post, or other monument which has been erected or marked for the purpose of designating a point in any boundary or any mark or inscription thereon;

3. A mileboard, milestone, or guidepost erected upon a highway, or any inscription thereon;

4. A line of telegraph or telephone or electric light, heat and power or any part thereof, or any appurtenance or apparatus connected therewith.

Section 43. False Alarms: Refusal to Aid. Any person who shall give or make or cause to be given or made an alarm of fire without probable cause, or neglect or refuse to obey any reasonable order of the chief at a fire, shall be guilty of a misdemeanor.

Section 44. Barb Wire Fence. Any person who shall place or maintains any barb wire or other sharp points on any railing, or posts in or adjacent to any of the sidewalks of this village, shall be guilty of a misdemeanor.

Section 45. Barriers and Guards. It shall be the duty of every person who shall have charge of the construction of any excavation or obstruction adjacent to or under any sidewalk or street, during the progress of such work, to cause such excavation to be securely guarded by a fence with at least two strings of good six inch boards nailed not less than eighteen inches apart to posts securely fixed in place. Such posts shall be not more than six feet apart and the top of the highest post shall be not less than four feet and a half from the surface of the sidewalk or street, and from one-half hour after sunset to one-half hour before sunrise such excavation or obstruction shall be illuminated with red lights sufficient in number and so placed as to show the full extent thereof. Any persons violating any of the provisions of this section shall be guilty of a misdemeanor.

Section 46. Removing Barricades. It shall be unlawful for any person to remove, throw down, run over, or interfere with any barricade or to walk upon, drive or ride over or across any street or sidewalk construction which has not been opened for travel.

Section 47. Glass, Tacks, Nails in Streets. It shall be unlawful for any person to place, throw, or cause to be placed or thrown on any street, alley, sidewalk or other public property in this village, any glass, tacks, nails, bottles, or other substances or things that might wound any person or animal, or cut or puncture any pneumatic tire when passing over the same.

Section 48. Hauling Manure, Dirt, etc. It shall be unlawful for any person to haul over the streets, or alleys of this village any loose material of any kind except in a vehicle having a tight box so constructed as to prevent the splashing or spilling of any of the substances therein contained upon said streets, or alleys.

Section 49. Hedge Fences; Height. It shall be unlawful for any person owning or controlling any hedge fence bordering on any street or sidewalk in this village to permit the same to grow to a height of more than four and one-half feet.

Section 50. Obstructing Highways. Any person who shall leave or allow to be left any merchandise or other obstruction on any of the sidewalks or other public ways of this village longer than is necessary for loading or unloading the same shall be guilty of a misdemeanor.

Section 51. Sidewalk, Obstructions on Surface. It shall be unlawful for the owner of any property having a public sidewalk adjacent thereto, to permit any plank, brick, stone or segment of said sidewalk to be raised above the established level of said sidewalk more than one-half inch, in any manner which might catch the foot of a pedestrian, or to permit any holes or depressions to occur in the sidewalk in which a pedestrian might step or catch his foot in a manner liable to cause injury.

Section 52. Public Property; defacing or injuring. Any person who shall cut, carve, mark, etch, or engrave any character, figure, letter or name upon any building or structure owned, occupied or used by the village, or who shall in any manner mar, deface or injure any tree, shrub, plant, vine, or any public property in any park or in, on, or around the grounds upon which a public building is situated shall be guilty of a misdemeanor.

Section 53. Public Property. Molesting Sewers and Culverts. Any person who shall wilfully injure or destroy or attempt to injure or destroy any public sewer or culvert or who shall molest any sewer or culvert without authority so to do shall be guilty of a misdemeanor.

Section 54. Public Property, Withholding Possession. Any person who shall take possession of any property, real or personal, belonging to this village or to the possession of which said village shall be entitled, or shall commit any trespass thereon, or who shall unlawfully withhold the property from the village shall be guilty of a misdemeanor.

Section 55. Sidewalks; Earth washing thereon. Whenever any lot or piece of land abutting on any sidewalk in this village shall become or remain in such a condition that earth or other substances therefrom shall accumulate on such sidewalk and the owner of such lot or piece of land shall refuse or neglect to place the same in such a condition as to prevent such washing or accumulating on such sidewalk, such owner shall be guilty of a misdemeanor.

Section 56. Removing Planks. Any person who shall loosen or remove any plank, brick, block, or support from any sidewalk or crosswalk or any curbing or gutter shall be guilty of a misdemeanor. Provided, this section shall not apply to persons making repairs on any such sidewalk, gutter, curb or crosswalk, or any person temporarily removing the same on account of building operations, if such person restores said structure to its original condition.

Section 57. Signs. It shall be unlawful for any person to erect any sign or other structure for advertising or other purposes across or upon any street or sidewalk unless the same is eight feet or more above the sidewalk or street and does not extend more than four feet out from the building. Provided further that no sign larger than three feet by three feet in size shall be constructed without the permission of the council first having been secured. Signs upon streets or sidewalks are prohibited.

Section 58. Awnings. It shall be unlawful for any person to construct or install or maintain or cause to be constructed or installed or maintained any awning which is supported in whole or part by posts or other supports set into the sidewalk, street, or parking, and any person, who shall violate this section shall be guilty of a misdemeanor.

Section 59. Throwing in Street. Any person who in this village shall throw or bat any ball, stone, or other hard substance into, on or across any street, or alley or in any public place or at or against any building or vehicle or at or toward any person shall be guilty of a misdemeanor.

MISCELLANEOUS OFFENSES.

Section 60. Cruelty to Animals. Every person who shall -

1. Overdrive, overload, torture, cruelly beat, neglect, or unjustifiably injure, maim, mutilate, or kill any animal, or cruelly work the same when unfit for labor, whether belonging to himself or another;
2. Deprive of necessary food, water, or shelter any animal of which he has charge or control;
3. Keep cows or other animals in any inclosure without wholesome exercise and change of air;
4. Feed cows on food which produces impure and unwholesome milk;
5. Abandon any maimed, sick, infirm, or disabled animal to die in any public place;
6. Allow any such animal to lie in the street, road, or other public place for more than three hours after notice; or
7. Wilfully set on foot, instigate or in any way further any act of cruelty to animals, or any act tending to produce such cruelty, shall be guilty of a misdemeanor.

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Section 61. Diseased Animals. Every owner or person having charge of any animal knowing the same to have any infectious or contagious disease or to have recently been exposed thereto, who shall sell or barter the same, or knowingly permit such animal to run at large or come into contact with any other animal, or with another person without the knowledge and permission of such person, shall be guilty of a misdemeanor.

Section 62. Intoxication. Every person who becomes intoxicated by voluntarily drinking intoxicating liquors shall be guilty of a misdemeanor.

Section 63. Adulterated Cigarettes. Every person who shall manufacture, sell, give away, or use any cigarette containing any substance deleterious to health, other than tobacco, shall be guilty of a misdemeanor.

Section 64. False Measures. Every person who shall injure or defraud another by using, with knowledge that the same is false, a false weight or measure, or who shall retain in his possession with intent to use it any weight or measure, knowing it to be false, or permit it to be used, or who shall knowingly make or stamp false or short weights or false tare on any package or scale ticket or knowingly sell or offer for sale any package so marked, shall be guilty of a misdemeanor.

Section 65. Desecrating Flag. Every person, who, for exhibition or display, shall cause to be placed upon or affixed to any flag of the United States or the State of Minnesota, any inscription, design, device, symbol, name, advertisement, words, character, works, or notice whatever; or shall publicly mutilate, trample upon, deface, or defile any such flag, shall be guilty of a misdemeanor.

Section 66. Memorial Day. The desecration of "Memorial Day", the thirtieth day of May of each year, by playing of games or any other sports calculated to attract attention away from the memorial character of said day, within one-half mile of the place where memorial exercises are in progress, is hereby prohibited and made unlawful during the hours from 10 o'clock in the forenoon to 3 o'clock in the afternoon of said day; any person violating this section shall be guilty of a misdemeanor.

Section 67. Obstructing Streets by Trains. No person shall obstruct any public road or street by leaving, placing, keeping, or causing to be left, placed or kept any railway car upon or across the same, or to stop or cause to be stopped any engine or train of cars across any public street except for sufficient time, not exceeding five minutes, to couple or separate cars; any person violating this section shall be guilty of a misdemeanor.

Section 68. Vagrants. The following persons are vagrants:

1. A person who, being a habitual drunkard, abandons, neglects or refuses to aid in the support of his family.
2. A person who has contracted an infectious or other disease in the practice of drunkenness or debauchery, requiring charitable aid to restore him to health.
3. Every male person who lives wholly or in part on the earnings of prostitution, or who in any public place solicits for immoral purposes.
4. A common prostitute who shall be found wandering about the streets, or loitering in or about any restaurant or lodging house.
5. Every female who shall be found wandering about the streets and addressing male persons for the purpose of soliciting the commission of any lewd, indecent or unlawful act, or for the purpose of enticing any male person into a house of prostitution or assignation, bedhouse, room, or other place for any unlawful purpose.

6. Fortune tellers, and such other like imposters.

7. A person known to be a pickpocket, thief, burglar, "yeggman" or "confidence man" and having no visible or lawful means of support, when found loitering around any railroad depot, railroad yard, banking institution, broker's office, place of public amusement, hotel, auction room, store, shop, or crowded thoroughfare, car or omnibus, or at any public gathering or assembly.

8. A person engaged in practicing or attempting any trick or device to procure money or other thing of value, if such trick or device is made a public offense by the law of this state, or any person engaged in soliciting, procuring or attempting to solicit or procure money or other thing of value by falsely pretending and representing himself to be blind, deaf, dumb, without arms or legs, or to be otherwise physically deficient or to be suffering from any physical defect or infirmity.

9. A person wandering about and lodging in taverns, groceries, market places, sheds, stables, barns or other uninhabited buildings or in the open air and not giving a good account of himself.

10. Any person not blind, over sixteen years of age and who has not resided in the county for a period of six months, and not having any visible means to maintain himself, lives without employment or wanders about and begs, or goes from door to door or places himself in the streets, highways or public passages to beg or receive alms. Every vagrant shall be guilty of a misdemeanor.

Passed the village council this 30th day of November, 1927.

A. B. Larsson,
President.

(Seal)

Attest:

A. E. Linn
Recorder.