

CHAPTER IV.

CONTROL OF MORALS AND CONDUCT, PUBLIC SAFETY

ARTICLE I. BREACHES OF PEACE AND ORDER

4-101. **DISORDERLY CONDUCT, DEFINED.** The term 'disorderly conduct' is hereby construed to mean any act, gesture, or noise which would have a tendency to hinder, impede, molest, annoy, insult, or put in fear any person or persons lawfully assembled or being within the City of Gwinner.

4-102. **DRUNKEN OR DISORDERLY CONDUCT FORBIDDEN.** Any person who shall be found in an intoxicated or drunken condition or disorderly while on any street, alley, public way or place, or upon any private premises or within any building within the limits of the City of Gwinner, shall be subject to the penalty as hereinafter defined.

4-103. **ASSAULT PROHIBITED.** Any person who shall commit an assault shall be deemed guilty of disorderly conduct.

4-104. **ASSAULT AND BATTERY.** Any person who shall commit an assault and battery shall be deemed guilty of disorderly conduct.

4-105. **DISTURBING THE PEACE.** No person shall disturb the peace and good order of the City of Gwinner, by clamor, noise, fighting, brawling, or using profane or obscene language in the streets or other public places, or by lewd or lascivious behavior or by practicing any trick, game, or other device with intent to cheat or swindle.

4-106. **RESISTING OFFICERS.** Any person who shall resist, delay or obstruct any Chief of Police, policeman, Mayor, or other peace or public officer while in the lawful discharge of his duty, or who shall rescue or attempt to rescue any prisoner from any such Chief of Police, policeman, Mayor or peace officer, shall, upon conviction thereof, be subject to the penalty as hereinafter defined.

4-107. **MAKING FALSE REPORT TO POLICE UNLAWFUL.**

It shall be unlawful for any person to knowingly make or submit to the police department of the City of Gwinner or any officer or employee thereof any report or complaint of the violation of any law of this state or of the United States or any ordinances of the City of Gwinner, which report or complaint shall in fact be false or untrue, and know to the person making or submitting the same to be false and untrue.

4-108. **DANGEROUS WEAPONS, PROHIBITED.** It shall be unlawful for any person to have in his possession, except within his own home, or to carry or use, a revolver or pistol of any description, shotgun, or rifle, which may be used for the explosion of cartridges or any air 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, provided that nothing in this section shall prevent the use of such instruments in shooting galleries or in any private grounds or residence under circumstances when such instrument can be fired, discharged or operated in such 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; provided, further, that it shall be unlawful for any person to wear under his clothes, or concealed about his person, or to display in a threatening manner or to flourish, any dangerous or deadly weapon, including, but not by way of limitation, any pistol, revolver, short barreled rifle, shotgun, air gun, gas-operated gun or spring gun, slingshot, brass knuckles, or knuckles of any material whatsoever, or any bowieknife, dirk, dagger, or any knife resembling a bowieknife, or any other dangerous or deadly weapon; provided, that nothing herein shall be construed to apply to law enforcement officers in the performance of their duty to fire off or discharge any gun or firearms, slingshot, bow and arrow, or other similar device. In all cases of conviction hereunder any and all dangerous weapons found on the person accused shall be confiscated and become the property of the City of Gwinner and be sold for the benefit thereof at such times and in such manner as the City of Gwinner may from time to time direct.

4-109. PERSONS LYING IN WAIT TO COMMIT CRIME. No person shall lurk, lie in wait, or conceal themselves in any house or other building, or in any yard or other place within the limits of the City of Gwinner, with intent to do any mischief, or pilfer, or commit any crime or misdemeanor whatever.

4-110. DISTURBING RELIGIOUS MEETINGS. It shall be unlawful for any person or persons to disturb any lawful assemblage or association or congregation met for religious purposes, by making any noise or by rude or indecent behavior or disorderly or profane discourse within their place of worship, or so near the same as to disturb the order and solemnity of the meeting.

4-111. PERSONS USING STREETS NOT TO BE MOLESTED. Every person who shall, while tarrying or walking upon any of the streets, sidewalks, or public ways in said City, or at any entrance to any place of business, meeting house, hall or church, wrongfully hinder or impede the passage of any person; or who shall, by rude, obscene, vulgar, indecent, or threatening language, or by any indecent act, gesture, or noise molest, annoy, insult, or put in fear any person passing or attempting to pass upon such sidewalk, way, street, or entrance, shall be guilty of a misdemeanor.

4-112. THROWING MISSILES AGAINST BUILDINGS OR AT PERSONS. No person shall throw, cast, or cause to be thrown or cast, nor countenance other in throwing or casting any stone or other missile into, upon, or at any building or erection, motor vehicle, or public or private property, or upon or at any person or persons in any street, alley, or other enclosed or unenclosed place within the corporate limits of the City of Gwinner, nor shall any person in any way use a rubber sling or other instrument or apparatus for the purpose of casting or throwing any missile or projectile whatever.

4-113. INJURING OR DESTROYING PROPERTY, PROHIBITED. Any person who shall willfully injure, or destroy any building, fence, shrubbery, lawn, or trees of another within the City, or who shall without consent of the owner, remove any dirt, or rock from any lot or parcel of ground within the City, shall be liable to such owner for the value thereof and for all damages done, in addition to the penalty as provided in 4-703.

4-114. REMOVING OR SECRETING PROPERTY OF ANOTHER, PROHIBITED. It shall be unlawful for any person or persons to misplace, hide, or secrete any personal property of another to his annoyance, or inconvenience, or who shall in any manner interfere with the possession, control, or custody of the personal property of another without his consent.

4-115. INJURING OR DESTROYING PUBLIC PROPERTY. It shall be unlawful for any person or persons to willfully injure or destroy any public property, real or personal, whether the same belongs to the City of Gwinner, or to the public generally, within the City of Gwinner, unless the same is done by lawful authority.

4-116. LEWD NOTICES, PICTURES. It shall be unlawful for any person or persons to open to the view of any class or collection of persons, or post up, place, write, mark, draw, cut, or make any obscene, lewd, or indecent notice, handbill, advertisement, picture, drawing, sentence, or design or figure.

4-117. BEGGING PROHIBITED. It shall be unlawful for any person within the City of Gwinner, to place himself or herself on any sidewalk or public street for the purpose of begging or receiving alms without the written permission of the Mayor.

4-118. POSTING HANDBILLS OR ADVERTISEMENTS ON PRIVATE OR PUBLIC PROPERTY. No person shall, without first obtaining the consent of the owner or proprietor, paste up, stick up, or post handbills, placards or posters, or make, print or mark any work, letter or advertisement of any kind upon any private house, store or other building, or upon any fence, railing, wall, vehicle, or other property; nor shall any person post up, stick up, nail up or paste any handbills, placards or posters of any kind, or make, print, or mark any word, character or advertisement upon any public building, bridge, fence, railing, sidewalk, telegraph pole, telephone pole, electric light pole, vehicle or other public property within the City, except in compliance with the requirements of law in the posting of legal notices.

4-119. THROWING OF TACKS, ETC., ON STREETS, PROHIBITED. It shall be unlawful for any person or persons to throw or place upon any street or sidewalk in the City any tacks, crockery, scrap iron, glass, bottles, tin, wire, or other article or thing, liable to cause punctures in the tires of automobiles, bicycles or other vehicles or to wound, injure, or disable the riders thereof.

4-120. BARBED WIRE FENCES PROHIBITED. No person or persons shall, within the limits of the City of Gwinner, erect, construct, or maintain any fence or enclosure

on any premises, piece or parcel of ground with what is known as barbed wire; provided, however, that such part of any fence so erected which is eight (8) feet or more above the ground may be erected or constructed of barbed wire; and provided further that no part of such barbed wire shall be permitted to extend beyond the lot line of the property upon which the same is so erected or constructed.

4-121. CALLS OF NATURE, PROHIBITED WHEN. It shall be unlawful for any person to defecate or urinate in said City upon any sidewalk, bridge, or crossings, or near any public or private gate or walk, or at any place not proper to be used for such purposes.

4-122. WEEDS. It shall be unlawful for any owner, lessee, or occupant or any agent, servant, representative or employee or any such owner, lessee or occupant having control of any lot or ground or any part of any lot who shall allow or maintain on any such lot or ground or part of any lot any growth of weeds to a height of over one (1) foot (the word weeds" as used herein shall be held to include all rank vegetable growth which exudes unpleasant and obnoxious odors, and also high and rank vegetable growth that may conceal filthy deposits of any sort).

4-123. SALE AND USE OF FIREWORKS IN THE CITY OF GWINNER. As used in this section the term "fireworks" means any substance or combination of substances or articles prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and includes bland cartridges, toy cannons and toy canes in which explosives are used, the type of balloons which retire fire underneath to propel them, fire crackers, torpedoes, sky rockets, Roman candles, daygo bombs, sparklers, or other fireworks of like construction, and any fireworks containing any explosive or inflammable compound, or any tablets or other devices containing any explosive substance and commonly known as fireworks. The term "fireworks" shall not include toy pistols, toy guns, in which paper caps containing twenty-five (25) hundredths grains or less of explosive compound are used, and toy pistol caps which contain less than twenty (20) hundredths grains of explosive mixture. Except as otherwise provided in this ordinance, it shall be unlawful for any person to offer for sale, expose for sale, sell at retail, or use or explode any fireworks within the limits of the City of Gwinner. This ordinance shall not prohibit supervised public displays of fireworks by any organization or association within the City of Gwinner for which a permit shall have been first obtained from the City Council. The application for such permit, in such form as may be required by the City Council shall be filed with the City Auditor and by him referred to the Chief of the Fire Department for investigation to determine whether the operator of the display is competent, and whether the display is of such character and is to be located, discharged, or fired that it will not be hazardous to property or endanger any person. The Chief of the Fire Department shall report the results of his investigation to the City Council who shall determine whether such permit shall be issued or the application rejected. In issuing such permit the City of Gwinner assumes no liability for any damage to persons or property resulting from such displays.

Nothing in this section shall be construed to prohibit the use of fireworks by airplanes and railroads or other transportation agencies for signal purposes or illumination; or the sale or use of blank cartridges for a show or theatre, or for signal or ceremonial purposes in athletics or sports, or for use by military organizations.

4-124. FIGHTING. No person in the City shall fight another person except in boxing exhibitions duly authorized and licensed under law.

4-125. 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.

4-126. UNLAWFUL TO HAVE OPEN RECEPTACLE CONTAINING BEER, ALCOHOL OR ALCOHOLIC BEVERAGES IN AUTOMOBILE, TRUCK, AND BUS. No person shall drink or consume any beer, alcohol, alcoholic beverages, or intoxicating liquor, as defined in these Revised Ordinances, in or on a motor vehicle, nor shall any person have in his possession on his person while in or on a motor vehicle, or keep in or on a motor vehicle, any bottle or receptacle, containing beer, alcohol, alcoholic beverages, or intoxicating liquor, as herein defined, which has been opened or the contents of which have been partially consumed.

ARTICLE II. CONTROL OF GAMBLING AND VAGRANCY

4-201. GAMBLING PROHIBITED. It shall be unlawful to participate in any manner whatever or solicit, persuade, or entice any person to participate in any manner whatever, in any game of cards or other game of chance upon which money or other property is wagered, or in which money or other property constitutes a stake unless duly licensed by the city Council under the laws of the State of North Dakota. Applications for a license from the City of Gwinner shall be made upon the Office of the Attorney General Gaming License Application whether for gaming or paramutual bidding.

4-202. GAMBLING AND DISORDERLY HOUSE DECLARED NUISANCE. Any house, building, room, or place where any table, cards, dice, or any article or apparatus used or other game of chance, upon which property or money is usually wagered, are kept, or where persons resort or are permitted to resort for gambling, or any disorderly house, building, room, or place of public resort, by which the peace, comfort, or decency of the immediate neighborhood is disturbed, are hereby declared to be common nuisances, except any such activity duly licensed by the City Council and licensed by the State of North Dakota.

4-203. SLOT MACHINES, ETC., PROHIBITED. It shall be unlawful for any person at any place within the City of Gwinner, to own, operate, have, or keep in his possession any slot machine, wheel of fortune., or other instrument, device, or thing in or whereon any money, property, or thing of value or representing anything of value may be

wagered, lost, or won by chance or otherwise, except any such activity duly licensed by the City Council and licensed by the State of North Dakota.

4-204. APPARATUS A NUISANCE, WHEN. Every article or apparatus maintained or kept in violation of sections 4-202 and 4-203 is a common public nuisance.

4-205. VAGRANCY, DEFINED. All persons who are idle and dissolute and who go about begging; all persons who use any juggling or other doubtful games or plays; all persons participating in any game of chance upon which money or property is usually wagered in or upon premises not owned nor kept by them; runaways, pilferers, confidence men; common drunkards, common night walkers, lewd, wanton, and lascivious persons, in speech, or behavior; common railers and brawlers, persons who are habitually neglectful of their employment or their calling and do not lawfully provide for themselves, or for the support of their families, and all persons who are idle or dissolute and who neglect all lawful business, and who habitually misspend their time by frequenting houses of illfame gambling houses, or tippling shops; all persons not giving a good account of themselves, who are found lodging in the open air; and all persons trespassing in or upon property, land, or premises not owned nor kept by them, and all persons who are known to be thieves, burglars, or pickpockets, either by their own confession or otherwise, or by having been convicted of larceny, burglary, or otherwise against the laws of the State, punishable by imprisonment in the State Prison, or any house of correction of any City, and having no lawful means of support, are habitually found prowling around any railroad depot, banking institution, broker's office, place of public amusement, auction room, store, shop, or crowded thoroughfare, car or omnibus, or at any public gathering or assembly or lounging about any court room, private dwelling house, or outhouses, or are found in any house of ill-fame, gambling house, or tippling shop, shall be deemed to be and they are declared vagrants.

All vagrants shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment for not more than thirty (30) days or by both such fine and imprisonment.

ARTICLE III. IMMORALITY AND HOUSES OF ILL-FAME

4-301. DISORDERLY HOUSE, UNLAWFUL TO KEEP. No person shall within the limits of the City of Gwinner, or within one (1) mile of the outer boundaries thereof, keep a bawdy house or house of ill-fame, or any room or place resorted to for the purposes of prostitution or lewdness or for the resort of persons of evil name and fame or of dishonest or lewd conversation, or who shall permit or suffer to come together at such house, room, or place persons of evil name, or fame, or who shall commit or suffer to be committed herein any immoral, lewd, immodest, or other improper conduct or behavior, or who shall keep a disorderly or ill-governed house or place of tippling; rioting or disturbance.

4-302. ENTICING PERSONS TO ROOM FOR IMMORAL PURPOSES
PROHIBITED. It shall be unlawful for any male or female to walk upon the streets of the City of Gwinner for the purpose of enticing any person or persons to any house, room, or place, for the purpose of prostitution or for the purpose of practicing fornication; nor shall any person, male or female, upon the streets of the City of Gwinner, solicit or entice any person or persons to any house or room, or attempt to entice any person or persons to any house or room for the purpose of prostitution or to practice fornication.

4-303. LEASING PREMISES FOR DISORDERLY PURPOSES, PROHIBITED. No person or persons shall knowingly let or hire or lease or demise any house or building or premises within the limits of the City of Gwinner or within one (1) mile from the outer boundaries thereof, to any person or persons of ill-fame, or ill-name, or who are known by common reputation to be a common prostitute, or keepers or proprietors of houses of ill-fame, or places resorted to for the purpose of prostitution, assignation, fornication, or immoral, lewd, lascivious, or immodest or immoral conduct or behavior, and no person or persons being the owner or owners of, or having the control of any house, building or premises, within the limits of the City, shall knowingly permit, allow, or suffer any person or persons as hereinbefore described, to occupy and remain in occupation and possession of said house, building, or premises,

4-304. UNLAWFUL TO REFUSE ADMITTANCE TO POLICE OFFICER. No owner, keeper of, or any person within any gambling room, or any disorderly house or house within which a disturbance, noise, or tumult is then in progress, or disorderly house, bawdy house, or any house of ill-fame within the said City shall refuse to permit the Chief of Police or any police officer to enter the house for the purpose of seeing that the ordinances of the City are enforced nor shall in any way hinder or in any way interfere with such officer in the discharge of his duties.

4-305. HOUSE OF ILL-FAME, RESORTING TO PROHIBITED. No person, male or female, shall resort to, or frequent any house of ill-fame or any room or place for the purpose of prostitution or lewdness, or for the practice of fornication, within the city limits or within one (1) mile of the outer boundaries thereof. Proof of the fact that such person is found in such room, house, or place shall be prima facie evidence that such person is there for the purpose of prostitution or having unlawful sexual intercourse.

4-306. PROOF OF REPUTATION OF ILL-FAME OR DISORDERLY CONDUCT. Proof of general reputation of ill-fame or disorderly conduct shall be competent and sufficient evidence that such a house or place is a bawdy house, house of illfame or disorderly conduct within the meaning of this article.

4-307. PROSTITUTE, DEFINED. The offering or subjecting of her or his body, by any person over the age of eighteen (18) years, within the City, or within one (1) mile from the outer boundaries thereof, to or for the purpose of concubinage or to or for indiscriminate sexual intercourse with men or women, whether the same be for hire or

not, constitutes such person a common prostitute, and any person so subjecting herself or himself shall be deemed to have violated the provisions of this article.

4-308. SAVED FOR FUTURE USE.

4-309. INDECENT ACTS OF EXPOSURE. No person shall appear in any public place in a state of nakedness, or in any indecent or lewd dress, or shall make any indecent exposure of his or her person at any time or any place, or shall be guilty of indecent, obscene, lewd act, or behavior.

4-310. INDECENT PERFORMANCE PROHIBITED. No person shall exhibit or perform any indecent, immoral, or lewd play or other representation.

4-311. BUYING, SELLING AND DESIGNING OBSCENE LITERATURE PROHIBITED. No person shall buy, sell, or cause to be sold, advertise, lend, give away, offer, show, or exhibit, or have in his possession with intent to sell, lend, give away, offer, show, exhibit, distribute, or cause to be distributed, or 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 book, pamphlet, paper, picture, print, drawing, figure, image, or any engraved, printed or written matter, or any article or instrument of or for immoral use. No person shall hire, use, or employ any minor to sell, or give away, or in any manner distribute or permit any minor in his custody to control, to give away, or distribute in any manner any indecent article or thing.

4-312. POLICE TO ENFORCE ARTICLE. It shall be the duty of the Chief of Police and all police officers to take notice of and report to the Mayor all violations of this article so that every person offending may be dealt with according to law. Any police officer is authorized to arrest any person who shall have violated any provision of this article and bring such person before the Municipal Judge for trial; and, where any policeman has knowledge of any violation of this article, it is his duty to make a formal complaint against the person offending, before the Municipal Judge.

ARTICLE IV. REGULATION OF MINORS

4-401. POOL HALLS, ETC., MINOR NOT ALLOWED IN. It shall be unlawful for any owner or keeper of any pool or billiard hall, or any place under any name whatsoever, where the game of pool, billiards, or cards are played, to allow any person under the age of eighteen (18) years, or any person attending a local high school, to either be employed in said places, or play any of said games or be allowed to visit said places unless by the written consent of one or both parents or guardian, or when accompanied by a parent or guardian.

4-402. MINORS PROHIBITED FROM PURCHASING OR POSSESSING INTOXICATING LIQUOR OR BEER. It shall be unlawful for any person under the age

of twenty-one (21) years to purchase, or attempt to purchase or have in possession, any beer or intoxicating liquor within the city limits of the City of Gwinner.

4-403. LOITERING OF MINORS PROHIBITED. It shall be unlawful for any minor under the age of eighteen (18) years to loiter, idle, wander, stroll, play or drive or ride in cars, in or upon the public streets, highways, roads, alleys, parks, playgrounds, or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places, between the hours of 10:30 P.M. Sunday through Thursday of each week, and 11:30 P.M. on Friday and Saturday of each week, and 5:00 A.M. the following day, official city time; provided, however, that the provisions of this section do not apply to a minor accompanied by his or her parents, guardian or other adult person having the care and custody of the minor, or where the minor is upon an emergency errand directed by his or her parents, guardian or other adult person having the care and custody of the minor. Any such minor upon such emergency errand shall have a written permit signed by his or her parent or guardian carrying the hour and destination.

Each violation of the provisions of this section shall constitute a separate offense.

4-404. RESPONSIBILITY OF PARENT. Any parent, guardian or other person having the lawful care, custody and control of any minor found violating the provisions of Section 4-403 shall be guilty of a violation of this ordinance, provided, however, that any such parent, guardian or other person who immediately after 10:30 P.M. on Sunday through Thursday, and 11:30 P.M. on Friday and Saturday reports to the Chief of Police or any city policeman that the whereabouts of a minor is unknown shall be absolved of liability under this section.

4-405. UNLAWFUL FOR PLACE OF BUSINESS TO PERMIT LOITERING BY MINORS. It shall be unlawful for any person, firm, or corporation operating or in charge of any place of amusement entertainment or refreshment, or other place of business, to permit any minor under the age of eighteen (18) years to loiter, loaf or idle in such place during the hours prohibited by this ordinance.

4-406. DUTY OF OWNER OF PLACE OF BUSINESS: Whenever the owner or person in charge or in control of any place of amusement, entertainment, refreshment or other place of business shall find persons under the age of eighteen-(18) ears loitering, loafing or idling in such place of business, he shall immediately order such person to leave, and if such person refuses to leave the said place of business, the operator shall immediately notify the police department and inform them of the violation.

4-407. ARREST OF MINOR AND PARENT. Any member of the police force is authorized to arrest, with or without warrant, any person or persons violating the provisions of Sections 4-403, 4-404, and 4-405 of this article and any child unaccompanied by parent, guardian, or other adult person having the lawful care and custody of said minor child.

4-408. ARTICLE CONSTRUED. This ordinance shall not be construed as permitting the presence at any time of any person under the age of eighteen (18) years in any place where his presence is now prohibited by an existing law or ordinance.

4-409. FALSE STATEMENTS BY MINORS. It shall be unlawful for a minor to make false statements, or to furnish, present, or exhibit any fictitious or false registration card, identification card, or note or other document, or to furnish, present, or exhibit such document or documents issued to a person other than the one presenting the same, for the purpose of gaining admission to prohibited places or for the purpose of procuring the sale, gift or delivery of prohibited articles, including beer, liquor or wine.

4-410. PROCURE UNLAWFUL SERVICES OF OTHER, MINORS. It shall be unlawful for a minor to engage or utilize the services of any other person, whether for remuneration or not to procure for such minor any article which the minor is forbidden by law to purchase.

4-411. HANGING ON VEHICLES, MINORS. It shall be unlawful for a minor to hang on to any moving vehicle.

4-412. JUVENILE COURT JURISDICTION, WAIVER. The Municipal Judge, at the time of apprehension of any person coming within the provisions of this ordinance who has violated this ordinance, shall refer the matter to the juvenile authorities to ascertain whether or not the Juvenile Court desires to take jurisdiction of such person; in the event that the Juvenile Court waives jurisdiction over the person of such violator, then the penalty set forth hereafter shall apply upon conviction.

ARTICLE V. ACCESSORY TO VIOLATION OF ORDINANCES.

4-501. AIDING AND ABETTING PROHIBITED. No person or persons shall aid or abet, or assist, or advise or encourage another in any violation of any ordinance of the City of Gwinner, nor shall before or after any violation thereof by another or others with knowledge thereof, aid, abet, assist, advise or conceal such person or persons with the intent that such person or persons may avoid arrest, trial, conviction or punishment.

ARTICLE VI. DISORDERLY CONDUCT

4-601. DISORDERLY CONDUCT, VIOLATION OF ORDINANCE OR STATE LAWS. Any person who, within the limits of the City of Gwinner, shall do any act, or omit a duty required of him by city ordinance, or which is punishable under the laws of the State of North Dakota, by a fine of not to exceed Five Hundred Dollars (\$500.00) or imprisonment in the County Jail of not to exceed thirty (30). days or both such fine and imprisonment, and said offenses not being otherwise described and punishable under existing ordinances, shall be guilty of disorderly conduct, and punished as hereinafter provided.

4-602. SAME: PROCESS. The summons, complaint, or information charging a violation of this ordinance, shall specify the facts constituting the violation and shall also state the section, and or chapter of state law claimed to be violated.

ARTICLE VII. PENALTY

4-701. SAVING CLAUSE. Should any section, paragraph, sentence, clause, or phrase of this chapter be declared unconditional or invalid for any reason, the remainder of said chapter shall not be affected thereby.

4-702. INJURIOUS ACTS NOT EXPRESSLY FORBIDDEN. Every person who wilfully and wrongfully commits any act which grossly injures the person or property of another or which grossly disturbs the public peace or health, or which openly outrages public decency, and is injurious to public morals, although no punishment is expressly prescribed therefore by this compilation, is guilty of a misdemeanor.

4-703. PENALTY FOR VIOLATION OF CHAPTER. Any person, firm, or corporation violating any of the terms or provisions of this chapter shall upon conviction be punished by a fine not to exceed Five Hundred Dollars (\$500.00), or imprisonment not to exceed thirty (30) days, or by both such fine and imprisonment in the discretion of the Court; the Court to have power to suspend said sentence and to revoke the suspension thereof.