

ORDINANCE NO. 12

AN ORDINANCE RELATING TO CRIMES AND OFFENSES WITHIN THE CITY OF PORT ST. JOE; PROVIDING FOR ENFORCEMENT THEREOF; AND PROVIDING FOR THE PENALTY FOR THE VIOLATIONS THEREOF.

WHEREAS, The City Commission of the City of Port St. Joe is of the opinion that the immediate enactment of this ordinance is required for the protection and preservation of the peace, safety, health, and prosperity of the City and its inhabitants; Now, therefore,

BE IT ENACTED BY THE PEOPLE OF THE CITY OF PORT ST. JOE:

Section 1. Assault and battery.

It shall be unlawful for any person to assault or attempt to assault another person in this city, or to commit, or attempt to commit, an assault and battery on another person in this city.

Section 2. Stones, Missiles, throwing.

It shall be unlawful for any person to throw a stone or other missile or cause same by any means to fly through the air on any public street or in near proximity to any building.

Section 3. Disorderly conduct.

It shall be unlawful and an offense under this Ordinance for any person to disturb or endanger the public peace or decency by any disorderly conduct.

The following acts, among others, are declared to be disorderly conduct:

- (1) Use of obscene, abusive or profane language.
- (2) Making of any threats of violence to or against any other person.
- (3) Being drunk, or the extravagant use of spirituous liquors.
- (4) Being noisy and disorderly in or upon any street or other public place in the city.
- (5) The fast driving of any vehicle through the streets of the city.
- (6) Making any indecent exposure of the person.
- (7) The reckless and dangerous use of slingshots.
- (8) Any noisy or riotous conduct to the disturbance of the public peace and tranquility.
- (9) Engaging in, promoting, encouraging, aiding or abetting any fight, riot or noisy and disorderly proceeding on any street or public place, or in any private building or dwelling when persons residing in the vicinity are disturbed.
- (10) Assault and battery upon any person on any street or public place, or in any private building or dwelling, when persons residing in the vicinity are disturbed.

Section 4. False fire alarms.

It shall be unlawful for any person wilfully and knowingly to make, circulate or place a false alarm of fire in the city.

Section 5. Firearms; air guns.

It shall be unlawful for any person to discharge any gun, pistol or other firearms in the city.

Section 6. Glass, tacks, etc., on streets.

No person shall throw or deposit upon any highway or street or alley any glass bottles, glass, nails, tacks, wire, cans or any other substance likely to injure any person, animal or vehicle upon the streets or roadway.

Any person who drops or permits to be dropped or thrown upon any street or alley any destructive or injurious material shall immediately remove the same or cause it to be removed.

Any person removing a wrecked or damaged vehicle from a street or highway shall remove any glass or other injurious substance dropped or deposited upon the street or alley from such vehicle.

Section 7. Ice boxes, refrigerators etc. Abandonment of.

(a) It shall be unlawful for any person to leave outside of any building or dwelling in a place accessible to children any abandoned, unattended or discarded ice box, refrigerator or any container of any kind which has an air tight door or lock which may not be released for opening from the inside of said ice box, refrigerator or container.

(b) It shall be unlawful for any person to leave outside of any building or dwelling in a place accessible to children any abandoned, unattended or discarded ice box, refrigerator or any other container of any kind which has an air-tight door with snaplock or other similar device thereon without

removing said snap-lock or other similar device on the doors from said icebox, refrigerator or container.

Section 8. Moonshine.--Possession of still, stilling apparatus, etc.

It shall be unlawful for any person in the city to have in his possession, or under his custody or control, any still, still piping, stilling apparatus, or still worm, or any other piece, part or parcel of any such still or stilling apparatus designed or adapted for the unlawful manufacture of distilled intoxicating liquors.

Section 9. Same--Seizure and forfeiture of illicit liquors, stilling apparatus, etc.

Any vehicle, vessel, aircraft or any animal used in the transportation or removal of, or for the deposit or concealment of any illicit liquor still or stilling apparatus or any mash, wort, wash, or other fermented liquids capable of being distilled or manufactured into any alcoholic beverage containing more than one per cent of alcohol by weight, or any alcoholic beverage, commonly known and referred to as "moonshine whiskey", where seized by a municipal police officer within the corporate limits of the city, may be forfeited, at the discretion of the municipal judge, as provided for by the general state law, and all sums received therefrom shall go into the general operating fund of the city.

Section 10. Same--Committing act in city in violation of state laws concerning intoxicating beverages.

It shall be unlawful for any person to commit within the limits of the city any act which is or shall be recognized by the laws of the state as a crime under the laws of the state concerning the regulation, manufacture, sale, distribution or ownership of intoxicating beverages.

Section 11. Obscene printed matter, pictures or other things tending to corrupt morals of youth --Prohibited.

Whoever, within the corporate limits of the city, imports, prints, publishes, exhibits, displays, sells or distributes any book, pamphlet, ballad, printed paper, stereopticon, moving picture, slide or film, or other thing, containing obscene language or any obscene prints, figures, pictures or descriptions manifestly tending to the corruption of the morals of youth, or introduces into any family, school or place of education, or buys, procures, receives or has in his or her possession any book, pamphlet, ballad, printed paper, stereopticon slide or moving picture film, or other thing, either for the purpose of sale, exhibition, loan or circulation, or with intent to introduce the same into any family, school or place of education, or any other place of public amusement, shall be punished as provided in section 32 of this ordinance.

Section 12. Same--Confiscation and custody by arresting officer.

Whenever any officer arrests any person charged with any offense under the preceding section, it shall be his duty to seize such obscene matters or other things, and take the same into his custody to await the sentence of the City's court upon the trial of the offender.

Section 13. Same--Destruction upon conviction of person charged.

Whenever anyone is convicted under section 11, the judge of the city's court in awarding sentence shall make an order confiscating such obscene matter and authorize the executive officer of the court to destroy the same.

Section 14. Poolrooms and billiard parlors--Hours open for business.

No poolroom or billiard parlor shall be open for the public and no game shall be allowed therein on Sunday or between the hours of 12:00 a.m. and 7:00 a.m. on any day of the week.

Section 15. Same--Permitting gambling on premises.

No person who is the owner of and no person who is in charge of and conducting any poolroom or billiard parlor or other place where pool tables and billiard tables and equipment incidental thereto are kept and maintained for the use of the public shall allow any gambling, betting or wagering to be carried on or conducted in and about the place.

Section 16. Same--Permitting intoxicated persons to use.

No person who is the owner or proprietor of, nor any person operating or in charge of any poolroom or billiard parlor or other place where pool tables, billiard tables or other paraphernalia incidental thereto are kept for use of the public, shall allow any person to use or play at any such table or with any such paraphernalia while drunk or intoxicated or while under the influence of intoxicating liquors.

Section 17. Same--Permitting minors to participate in games or to loiter about premises.

It shall be unlawful for any person keeping or carrying on either himself or in connection with another or for another any poolroom or billiard parlor with the general public, where intoxicating beverages are sold, to allow a minor to engage in any game therein.

Section 18. Same--Penalty for violations.

Any person or agent or employee or such person violating any of the provisions of this chapter shall upon conviction be punished as provided in section 32 of this Ordinance, and in addition thereto the city license for conducting such place shall forthwith and immediately stand revoked, cancelled and annulled.

Section 19. Prostitution, etc.--Defined.

As used in this section, unless the context clearly requires otherwise:

(a) The term "prostitution" shall be construed to include the giving or receiving of the body for sexual intercourse for hire, and shall also be construed to include the giving or receiving of the body for licentious sexual intercourse without hire.

(b) The term "lewdness" shall be construed to include any indecent or obscene act.

(c) The term "assignation" shall be construed to include the making of any appointment or engagement for prostitution or lewdness or any act in furtherance of such appointment or engagement.

(d) The term "prostitution" as used in paragraph (a) shall be construed so as to exclude sexual intercourse between a husband and his wife.

Section 20. Same--Maintain house for; securing another for; receiving for; transporting for.

It shall be unlawful for any person in the city:

(a) To keep, set up, maintain or operate any place, structure, building or conveyance for the purpose of lewdness, assignation or prostitution.

(b) To offer, or to offer or agree to secure, another for the purpose of prostitution, or for any other lewd or indecent act.

(c) To receive, or to offer or agree to receive, any person into any place, structure, building or conveyance for the purpose of prostitution, lewdness, or assignation, or to permit any person to remain there for such purpose.

(d) To direct, take or transport, or to offer or agree to take or transport, any person to any place, structure, or building, or to any other person, with knowledge or reasonable cause to believe that the purpose of such directing, taking or transporting is prostitution, lewdness or assignation.

Section 21. Same--Committing; soliciting; remaining during; aiding or abetting.

It shall be unlawful in the city for any person:

(a) To offer to commit, or to commit, or to engage in, prostitution, lewdness or assignation.

(b) To solicit, induce, entice or procure another to commit prostitution, lewdness or assignation with himself, or herself.

(c) To reside in, enter or remain in, any place, structure or building, or to enter or remain in any conveyance, for the purpose of prostitution, lewdness or assignation.

(d) To aid, abet or participate in the doing of any of the acts or things enumerated in sections 19 and 20 hereof.

Section 22. Public or private property; injuring or defacing.

It shall be unlawful for any person to wilfully injure or deface any church or schoolhouse, or buildings or property belonging to the state, county or city or to any person, or to write or draw figures, letters or characters, on the walls, or the fences or enclosures thereof.

Section 23. Railroad trains--Boarding, clinging to, etc., trains in motion.

It shall be unlawful for any person within the city limits to board, enter or leave any railway car or locomotive, or cling to or remain on any bar, railing, platform, or any outside fixture of or attachment to, any railway car or locomotive while the train is in motion provided, however, that this section shall not apply to properly authorized persons.

Section 24. Same--Obstructing streets for more than five minutes.

No locomotive or cars shall be allowed to obstruct any street crossing in the city for a longer time than five minutes; and any person having charge of any such locomotive or cars, permitting the same to remain for a greater length of time than above shall be punished as provided in Section 32 of this Ordinance.

Section 25. Same--Bell on trains to be rung before crossing streets.

Every railroad company shall cause the bell on the engine to be rung before crossing any street in the city. Any railroad company, or its agents or employees, who shall neglect or refuse to comply with any of the provisions of this section shall, upon conviction, be punished as provided by Section 32 of

this Ordinance.

Section 26. Religious services, disturbing.

It shall be unlawful for any person to disturb in any manner any congregation which has assembled in any church or building for religious services in the city.

Section 27. Resisting arrest; refusing to give aid to police.

It shall be unlawful for any person to resist or oppose any police officers or person with the power of arrest of this city in the discharge of his duties under the ordinances of the city. It shall be unlawful for any person, on being called upon by any law enforcement officer of the city to neglect or refuse to give active aid and assist in apprehending any person accused of any crime or acting in an unlawful manner.

Section 28. Spitting on sidewalks.

It shall be unlawful to spit upon any of the sidewalks within the city.

Section 29. State misdemeanors.

It shall be unlawful to commit, within the limits of the city, any act which is or shall be recognized by the laws of the State of Florida as a misdemeanor. The commission of any such act in the city shall be considered a violation of the laws of the city.

Section 30. Vagrants.

All rogues and vagabonds, idle or dissolute persons, beggars, common gamblers, persons who use juggling or unlawful games, common drunkards, thieves, pilferers, traders in stolen property, lewd, wanton and lascivious persons, brawlers, disorderly persons, persons habitually frequenting houses of illfame or gambling houses, and persons without any visible means of support shall be deemed vagrants, and upon conviction shall be punished as provided in Section 32 of this Ordinance.

Section 31. Weapons, concealed carrying; exceptions.

Whoever shall carry concealed arms of any kind on or about his person or whoever shall have concealed on or about his person, any dirk, pistol, metallic knuckles, slingshot, billie or other weapon, except a common pocket knife, shall, upon conviction be punished as provided in Section 32 of this Ordinance; provided, that nothing in this section shall be considered as applying to sheriffs, deputy sheriffs or city policemen of the city, constables or United States marshals or their deputies or other persons lawfully authorized to carry such weapons.

The carrying of concealed weapons is hereby declared a breach of the peace and any officer of the city authorized to make arrests under the ordinances of the city and the laws of the state is hereby authorized to make arrests, without warrants, of persons violating the provisions of this Ordinance.

Section 32. Any person, firm, or corporation who violates or refuses to comply with any provision of this ordinance shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not more than Five Hundred Dollars, or by imprisonment of not more than sixty days, or both such fine and imprisonment.

INTRODUCED at a regular meeting of the City Commission of the City of Port St. Joe on the 21st day of April, A. D. 1964, and PASSED AND ADOPTED at a meeting of the City Commission on the 4th day of August, A. D. 1964.

/s/ Frank Hannon
Mayor-Commissioner

ATTEST:

/s/ J. B. Williams
City Auditor and Clerk