

ORDINANCE NO. 45 46

AN ORDINANCE PROHIBITING INTERFERENCE WITH RADIO RECEPTION, PRESCRIBING REGULATIONS TO MINIMIZE THE SAME, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF:

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF WASHBURN, NORTH DAKOTA:

Section One: Interference with Radio Reception Prohibited

It shall be unlawful for any person knowingly to maintain, use, operate, or cause to be operated, within the city of Washburn, any machine, device, appliance, equipment or apparatus of any kind whatsoever, the operation of which shall cause reasonably preventable electrical interference with radio reception within said municipal limits, and the maintenance, use or operation within said city of any ~~###~~ machine, device, appliance, equipment or apparatus of any kind so as to interfere with radio reception in violation hereof, is hereby declared a common nuisance. Provided, however, that a person duly licensed to practice medicine, osteopathy, chiropractic or dentistry by the state of North Dakota, may in the course of the practice of his profession, operate or cause to be operated under his direct supervision at any time any machine or apparatus necessary to make X-ray pictures or examinations or to give treatments, if the machines or apparatus used therefor are properly equipped to avoid all unnecessary or reasonably preventable interference with radio reception and are not negligently operated.

S Section Two: Duties of Police Commissioner:

It shall be the duty of the police commissioner of the city, and his duly authorized deputies and assistants, to administer and enforce the provisions of this ordinance, to inspect the installation of all apparatus, devices, appliances or equipment causing or likely to cause radio interference, to investigate complaints of such interference, to locate the sources thereof, and to advise and make recommendations and orders as to its elimination.

Section Three: Notice to Owners: When an official inspection and test shall have been made and it is found that any machine, device, appliance, equipment or apparatus is being operated within this city in violation of this ordinance, the police

commissioner shall notify the owner or operator thereof in writing to discontinue the use of same, or to make such addition thereto or repairs, adjustments or alterations thereon, that the same may be lawfully operated. This notice shall be personally served on the owner or operator, and in the event that such owner or operator does not within ten days after such service either entirely discontinue the use of such machine, device, appliance, equipment or apparatus, or repair, adjust or alter the same, or attach thereto proper silencing devices so that the same conforms to this ordinance, the further maintenance, use or operation thereof shall be deemed a violation hereof.

Section Four: Right of Inspection: The police commissioner and his duly authorized deputies and assistants shall have the right to enter upon any premises at all reasonable hours for the purpose of inspecting ~~the~~ the installation and the working of all machines, devices, appliances, equipment or apparatus coming within the terms of this ordinance, and it shall be unlawful for any person to interfere with any such officer in making said inspection or to refuse to permit him to enter upon the premises for any such purpose, or to hinder him in the discharge of his duties. Any inspector upon entering any premises to make any such inspection, upon request, shall exhibit to any person there in charge a certificate of the city auditor showing his authority as an inspector.

Section Five: Any person violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine of not less than \$5.00 and not more than \$25.00.

Section Six: Separate Offenses. When any person has been notified in writing by any peace officer that he is violating this ordinance and the written notice has specified the time within which the interfering apparatus shall be corrected, each day's maintenance or operation of the same without correction after the expiration of the time stated in the notice shall be considered a separate offense hereunder. The giving of such notice shall not be a prerequisite to prosecution for a single offense, but one arrested for violation of the ordinance shall be discharged upon submission to the police magistrate of satisfactory evidence.

that he has within ten days caused the apparatus, device, appliance or equipment the operation of which has caused radio interference, to conform to the requirements hereof.

Section Seven: Construction: It is hereby declared that if any section, sentence, clause or phrase of this ordinance is for any reason held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof, and that the said ordinance, and each section, sentence, clause and phrase thereof, would have been passed without regard to the invalidity or unconstitutionality of any other section, sentence, clause or phrase. The word "person" as used herein includes firms, associations and corporations.

Introduction and First Reading Feb. 3rd - 1930

Second Reading Feb 24th 1930.

Passed Feb 24th 1930

C. M. Jensen
President City Commission

Attest

City Auditor