

ORDINANCE NO. 719

AN ORDINANCE PROSCRIBING GENERAL OFFENSES AGAINST THE PUBLIC PEACE,
SAFETY, MORALS AND GENERAL WELFARE; ADOPTING A CRIMINAL PROCEDURE CODE;
AND REPEALING ORDINANCE NOS. 552 AND 615.

THE CITY OF CANBY ORDAINS AS FOLLOWS:

CRIMINAL CODE

Section 1. Conformity to State Standards on Offenses Against the Public
Peace, Safety, Morals and General Welfare:

- (a) The policy of the City of Canby is that city ordinances pertaining to the public peace, safety, morals and general welfare shall be in conformance with the Oregon Criminal Code of 1971 and its amendments. Notwithstanding any provision contained in a City of Canby ordinance, any provision in the Oregon Criminal Code applies in the same manner that the law is applied by the State of Oregon.
- (b) If an ordinance, or provision thereof, of the City of Canby is in conflict with the Oregon Criminal Code, the Oregon Criminal Code shall prevail.
- (c) No person shall engage in any activity violating the Oregon Criminal Code or City of Canby ordinances relating to the public peace, safety, morals and general welfare as the laws and ordinances provide at the time of the activity.

Section 2. Conformity to State Standards on Criminal Procedures.

- (a) The policy of the City of Canby is that criminal procedures of the City shall be in conformance with the Oregon Criminal Procedure Code adopted by the 1973 legislative assembly and its amendments. Notwithstanding any provision contained in a City of Canby ordinance, any provision in the Oregon Criminal Procedure Code applies in the same manner that the law is applied by the State of Oregon.
- (b) If an ordinance, or provision thereof, of the City of Canby is in conflict with the Oregon Criminal Procedure Code, the Oregon Criminal Procedure Code shall prevail.

(Sections 3 to 5 reserved for expansion)

Section 6. Discharge of Weapons. Except at firing ranges, no person other than a peace officer shall fire or discharge a gun, including spring or

air-actuated pellet guns, air guns, or other weapons which propel a projectile by use of gunpowder or other explosive, jet or rocket propulsion.

Section 7. Fireworks.

- (a) The policy of the City of Canby is that the city ordinance pertaining to fireworks shall be in conformance with the Oregon Fireworks Law and its amendments. Notwithstanding any provision contained in a City of Canby ordinance, any provision in the Oregon Fireworks Law applies in the same manner that the law is applied by the State of Oregon.
- (b) If an ordinance, or provision thereof, of the City of Canby is in conflict with the Oregon Fireworks Law, the Oregon Fireworks Law shall prevail.
- (c) No person shall engage in any activity violating the Oregon Fireworks Law or City of Canby's ordinance relating to fireworks as the laws and ordinances provide at the time of the activity.

(Sections 8 and 9 reserved for expansion)

Providing for the Welfare of Minors

Section 10. Children Confined in Vehicles.

- (a) No person who has under his or her control or guidance a child under eight years of age shall lock or confine, or leave the child unattended, or permit the child to be locked or confined or left unattended in a vehicle for a period of time longer than 15 consecutive minutes.
- (b) It shall be lawful and the duty of a policeperson or other law enforcement officer, finding a child confined in violation of the terms of this section, to enter the vehicle and remove the child, using such force as is reasonably necessary to effect an entrance to the vehicle where the child is confined in order to remove the child.

Section 11. Endangering Welfare of a Minor.

- (a) No person shall:
 - (1) Knowingly sell, or cause to be sold, tobacco in any form to a person under 18 years of age.
 - (2) Employ a person under 18 years of age in or about a cardroom, poolroom, billiard parlor, or dance hall.
- (b) No person shall solicit, aid, abet, or cause a person under 18 years of age to:

- (1) Violate a law of the United States, or of the state of Oregon, or to violate a city or county ordinance.
 - (2) Run away or conceal himself from a person or institution having lawful custody of the minor.
- (c) No person operating or assisting in the operation of a public cardroom, poolroom, billiard parlor, or public place of amusement shall employ or permit a person under 18 years of age to engage therein in any game of cards, pool, billiards, dice, darts, pinball, games of like character, or games of chance, either for amusement or otherwise. This subsection shall not apply to the playing of billiards or pool in a recreational facility.
- (d) As used in this ordinance, a "recreational facility" means an area, enclosure or room in which facilities are offered to the public to play billiards or pool for amusement only, and:
- (1) Which is clean, adequately lighted and ventilated; and
 - (2) In which no alcoholic liquor is sold or consumed.

Section 12. Minors Prohibited in Certain Places. No person under 18 years of age shall enter, visit or loiter in or about a public cardroom, pool hall, billiard parlor or dance hall, except a recreational facility.

Section 13. Minor, Purchase or Possession of Liquor.

- (a) No person under the age of 21 years shall attempt to purchase, acquire or have in his possession or her possession alcoholic liquors in a manner other than provided for in the Liquor Control Act of the State of Oregon.
- (b) For the purposes of this section, possession of alcoholic liquor includes the acceptance or consumption of such liquor, or any portion thereof, or a drink of such liquor.

Section 14. Sale or Gift of Liquor to Minor, or to Intoxicated or Interdicted Person.

- (a) No person shall sell alcoholic liquor to any person under the age of 21 years, or to a person who is visibly intoxicated.
- (b) No person other than his parent or guardian shall give or otherwise make available any alcoholic liquor to any person under the age of 21 years.
- (c) No person shall give or otherwise make available any alcoholic liquor to a person visibly intoxicated.

Section 15. Interference with School Process and Students.

- (a) No person shall be on school premises and:
- (1) Intentionally interfere with, obstruct, disrupt or impede school functions or school-related functions conducted on school premises, or intentionally interfere with or obstruct the students attending the school.
 - (2) Provide or attempt to provide transportation to a student attending that school without having either express permission of personnel authorized to give permission by the governing body of the school district or express permission of that student's parent, legal guardian, or a person in loco parentis to the student.
 - (3) Intentionally remain on school premises when directed to leave by an employe of the school district or a law enforcement official, if such direction to leave is based upon the person's conduct that reasonably appears to the employe or officer as conduct proscribed in Subsections (1) or (2) above.
- (b) No person shall intentionally cause a motor vehicle to be upon the school premises during times that the school premises are being used for school functions or school-related functions, unless such person shall have express permission of personnel authorized to give permission by the governing body of the school.

(Sections 16 to 19 reserved for expansion)

Animals

Section 20. Animals, Cruelty to.

- (a) Except as otherwise authorized by law, no person shall intentionally or recklessly:
- (1) Subject any animal under human custody or control to cruel mistreatment.
 - (2) Subject any animal under his or her custody or control to cruel neglect.
 - (3) Kill without legal privilege any animal under the custody or control of another.
- (b) No person shall place any poison where it is liable to be eaten by any domestic animal.
- (c) As used in this section, "animal" includes birds.

Section 21. Vehicles Injuring Animals. Any person operating a vehicle within the city who runs over, strikes, injures, maims, or kills any domestic animal shall immediately stop and render aid to such animal, if injured, or provide for the disposition of the carcass if the animal is killed; and in either case, such person shall make due and diligent inquiry to determine the owner of the animal; and if the owner can be found, notify the owner of the occurrence and also report the same forthwith to the chief of police or his assistant.

Section 22. Permitting vicious Animals to Be at Large. No person, being the owner of or having the control of any dangerous or vicious animals, and knowing such animal to be dangerous or vicious, shall wilfully or negligently permit the animal to be at large in any neighborhood or on any public highway within the city limits.

Section 23. Killing of Birds Prohibited. No person shall discharge any firearm, air gun or other similar device, or throw any missile at any non-game bird with intent to kill or injure it.

(Sections 24 through 27 reserved for expansion.)

Miscellaneous

Section 28. Public Intoxication and Drinking.

- (a) No person shall create, while in a state of intoxication, any disturbance of the public in any public or private business or place.
- (b) No person shall drink or consume intoxicating liquor in a public place or in a motor vehicle in a public place. Nothing in this subsection shall be deemed to prohibit drinking of any intoxicating liquor in any establishment wherein the same is sold for on-premises consumption under the laws of the state of Oregon.

Section 29. Begging. No person shall beg or solicit money or other gratuities upon the streets or in any public place in the city.

Section 30. Public Indecency.

- (a) No person shall expectorate upon a public sidewalk or street, or on or in a public building, except in receptacles provided for that purpose.
- (b) No person shall, while in or upon or in view of a public place, urinate or defecate, except in toilets provided for that purpose.

Section 31. Hauling. No person shall haul sand, gravel, rock, wood, or other substances in any vehicle or conveyance that is so constructed as to allow the sand, gravel, rock, wood, or other substance to fall on and litter the public streets of the city.

Section 32. Building Entrances, Obstruction. No person shall obstruct any entrance to a building or loiter about or near an entrance, stairway or hall leading to a building.

Section 33. Obstruction of Sidewalks. No person shall wilfully remain standing, lying or sitting down upon any of the sidewalks of Canby in such manner as to obstruct the free passage of foot traffic or foot travelers on any portion of the same, or wilfully remain standing, lying or sitting thereon in said manner after being requested to move on by any police officer of Canby.

Section 34. City Property, Destruction of. No person or persons shall in any way injure or molest any property belonging to the City of Canby.

Section 35. Trains, Riding on. No person other than a railroad employe shall get on or off of any railroad car or train at any place within the corporate limits of Canby, or in any manner interfere with railroad cars or trains within the corporate limits of Canby.

Section 36. Animal Carcass, Removal of. No person, who is the owner of any animal, which dies, shall suffer or permit the carcass to remain upon the public streets or ways; and no person who is owner or occupant of any property

shall suffer or permit the carcass of any animal to remain thereon. It shall be the duty of any such owner or occupant to forthwith cause such carcass to be buried or other disposition made of the same.

Section 37. Ice and Snow Removal. It shall be the duty of the owner, lessee, occupant or person having control or custody of any premises or any unimproved property to remove all snow or ice which has fallen or accumulated on the sidewalks abutting such premises or property within six hours after such snow or ice has ceased to be deposited thereon; provided, however, that if such snow is falling or such ice accumulating after the hour of 6:00 p.m., the same shall be removed within six hours after it shall cease to be deposited or within six hours after 7:00 a.m. on the next succeeding day, as the case may be.

Section 38. Posted Notices and Defacement of. No person shall wilfully deface or tear down any notice, bulletin or sign before its date of expiration.

(a) Defacement of posted notice is a class C misdemeanor.

Section 39. Posters Unauthorized. No person shall in any manner affix a placard, bill or poster upon personal or real property, private or public, without first obtaining permission of the owner or proper public authority.

(a) Posting of unauthorized posters is a class C misdemeanor.

(Sections 40 through 48 reserved for expansion.)

General

Section 49. Soliciting or Confederating to Violate Ordinance. No person shall solicit, aid, abet, employ or engage another, or confederate with another to violate a provision of this ordinance.

Section 50. Attempt to Commit Offenses. A person who shall attempt to commit any of the offenses mentioned in this ordinance or any ordinance of the city, but who for any reason is prevented from consummating such act, shall be deemed guilty of an offense.

Section 51. Violations, Continuous. Whenever in this ordinance, or any ordinance of the city of Canby, an act is prohibited or is made or declared to be unlawful or an offense, or the doing of an act is required or the failure to do an act is declared to be unlawful or an offense, each day a violation continues shall constitute a separate offense.

Section 52. Penalties. Violation of any provision of this ordinance is punishable by a fine not to exceed \$1,000.00, or imprisonment not to exceed one year, or by both fine and imprisonment; provided, however, if there is a violation of any provision of Oregon statutory law adopted by reference with a lesser penalty attaching, punishment shall be limited to the lesser penalty prescribed in the state law.


Section 53. Working Out Fine and Costs, Generally. When a person shall be convicted of an offense under the laws of the city and shall be adjudged to pay a fine and costs, and shall fail to pay the fine and costs, the municipal judge may collect the fine by sentencing such person so fined to labor on the streets or on other public works, one day for each \$5.00 of such fine unpaid. Persons fined and sentencing to labor as set out in this section shall be under the charge and supervision of the chief of police and the police department.

Section 54. Severability. Each section, subsection or other portion of this ordinance shall be severable; the invalidity of any section, subsection or other portion shall not invalidate the remainder.

Section 55. Repeal. Ordinance No. 552, enacted June 5, 1972 and Ordinance No. 615, enacted March 2, 1977 and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

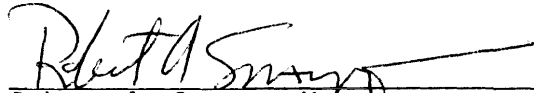
Section 56. Effective Date. This ordinance shall take effect immediately upon its final passage by the council.

Submitted to the Council and read the first time at a regular meeting thereof on September 1, 1982; ordered posted as provided by the Canby City Charter and scheduled for second reading and action of the Canby City Council at a Regular meeting thereof on October 6, 1982, commencing at the hour of 7:30 o'clock p.m. at the Council meeting chambers at the Canby City Hall in Canby, Oregon.



Virginia Graham, Acting City Recorder Pro-tem

Passed on final reading of the Canby City Council at a regular meeting thereof on the 6th day of October, 1982, by the following vote:

YEAS 5 NAYS 0.


Robert A. Swayze, Mayor

ATTEST:


Marilyn K. Perrett, City Recorder Pro-tem