

ORDINANCE NO. 763

AN ORDINANCE PROSCRIBING GENERAL OFFENSES AGAINST THE PUBLIC PEACE, SAFETY, MORALS AND GENERAL WELFARE; ADOPTING A CRIMINAL PROCEDURE CODE; REPEALING ORDINANCE NO. 719; AND DECLARING AN EMERGENCY.

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, including all definitions contained therein. 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 including all definitions contained therein. Notwithstanding any provisions 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 any 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.

- A. 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 propels a projectile by use of gunpowder or other explosive, jet or rocket propulsion.
- B. The provisions of this section shall not be construed to prohibit the firing or discharging of any weapon by any person in the defense or protection of property which that person owns or controls, his person or family, or at any place duly licensed or designated for target practice. The provisions of this section shall not be construed to prohibit the display of fireworks, duly authorized by the City of Canby.
- C. Violation of this section is a class C misdemeanor.

Section 7. Interfering with Police Officer.

- A. For the purpose of this section, the following definitions shall apply:
 - 1. "Arrest" means to place person under actual or constructive restraint for the purpose of charging him with an offense.
 - 2. "Custody" means to place a person under actual or constructive restraint pursuant to a court order or for other lawful purposes.
 - 3. "Police Officer" means any sworn member of the Bureau of Police.
 - 4. "Stop" means a temporary restraint of a person's liberty, by a police officer lawfully present in any place, (i) when such officer reasonably suspect that such person is committing, or has committed, a criminal offense, or (ii) when such officer reasonably believes that such person is in need of attention pursuant to ORS 426.215 or ORS 426.460, or (iii) when such officer reasonably believes that such person is the subject of service of a valid court order.
 - 5. "To leave the area of an arrest, custody or stop" mean to physically move to a location not less than ten (10) feet extending in a radius from where a police officer is engaged in effecting an arrest, taking a person into

custody, or stopping a person; the radius may be extended beyond ten (10) feet when a police officer reasonably believes that such extension is necessary because there exists a substantial risk of physical injury to any person.

- B. It is unlawful for any person to intentionally refuse to leave the area of an arrest, custody or stop, or, having left that area, to reenter it, after being directed to leave that area by an individual whom the person knows to be a police officer.
- C. Violation of this section is a class C misdemeanor.

(section 8 reserved for expansion)

Section 9. Children Confined in Vehicles.

- A. No person who has under his or her control or guidance a child under eight (8) 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 fifteen (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.

(sections 10 to 11 reserved for expansion)

ANIMALS

Section 12. 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 willfully or negligently permit the animal to be at large in any neighborhood or on any public highway within the City limits.

Section 13. 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 14 to 15 reserved for expansion)

MISCELLANEOUS

Section 16. Obstruction of Sidewalks. No person shall willfully 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 willfully remain standing, lying or sitting thereon in said manner after being requested to move on by any police officer of Canby.

Section 17. Trains, Riding On. No person other than a railroad employee 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 18. 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 19. Posted Notices and Defacement Of. No person shall willfully deface or tear down any notice, bulletin or sign before its date of expiration.

Section 20. Posters Unauthorized. No person shall affix or fasten any placard, bill or poster upon private property without first obtaining permission from the person in charge of the property. No person shall affix or fasten any placard, bill or poster upon public property except upon property which the City has specifically declared available for such purpose, This section is not intended to prohibit the placement of public notices required by "law."

(sections 21 to 25 reserved for expansion)

GENERAL

Section 26. 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 27. Penalties. Unless otherwise specifically

provided, a violation of any provision of this ordinance is punishable by a fine not to exceed \$2,500.00 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 28. Severability. Each section, subsection or other portions of this ordinance shall be severable; the invalidity of any section, subsection or other portion shall not invalidate the remainder.

Section 29. Repeal. Ordinance No. 719, enacted October 6, 1982, and amendments thereto are hereby repealed.

Section 30. Emergency. In view of the necessity to prescribe regulations concerning police protection and enforcement of laws within the City of Canby, to better promote the safety, health and welfare of the citizens of the City of Canby, an emergency is hereby declared to exist and this ordinance shall take effect immediately upon final reading and passage by the Canby City Council.

Submitted to the Canby City Council and read the first time at a regular meeting thereon on Wednesday, December 19, 1984; 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 to be held on Wednesday, January 2, 1985, after the hour of 7:30 o'clock p.m. at the Council meeting chambers at the Canby City Hall in Canby, Oregon.


Marilyn K. Perkett, City Recorder

ENACTED by the Canby City Council at a regular meeting thereof on the 2nd day of January, 1985, by the following vote:
YEAS 6 NAYS 0


William F. Pulver, Mayor

ATTEST:


Mariyn K. Perkett, City Recorder