

ORDINANCE NO. 359-0

AN ORDINANCE ADOPTING CODE SECTIONS PROHIBITING THEFT, CRIMINAL MISCHIEF, POSSESSION OF ALCOHOL BY MINORS AND THE POSSESSION OF LESS THAN ONE OUNCE OF MARIJUANA.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE
THAT:

The following sections be adopted as part of the City of Troutdale Public Safety Code:

THEFT

7.60.470 "Theft Described". A person commits theft when, with intent to deprive another of property or to appropriate property to himself or to a third person, he:

A. takes, appropriates, obtains or withholds such property from an owner thereof; and

B. the total value of the property in a single aggregate transaction is under \$200.00.

7.60.475 Defenses To Theft. In a prosecution for theft it is a defense that the defendant acted under an honest claim of right, in that:

A. he was unaware that the property was ~~that~~ of another; or

B. he reasonably believed that he was entitled to the property involved or had a right to acquire or dispose of it as he did.

7.60.480 Value Of Stolen Property. For the purposes of this Chapter of the City of Troutdale Public Safety Code, the value of property shall mean the market value of the property at the time and place of the crime, or if such cannot reasonably be ascertained, the cost of replacement of the property within a reasonable time after the crime.

7.60.485 Penalty. Violation of Section 7.60.470 is punishable by a fine not to exceed \$500.00, or confinement in jail not to exceed six months, or both.

CRIMINAL MISCHIEF

7.60.490 Criminal Mischief In The Third Degree. A person commits the crime of criminal mischief in the Third Degree if, within intent to cause substantial inconvenience to the owner or to another person, and having no right to do so nor reasonable ground to believe that he has such right, he tampers or interferes with property of another.

7.60.495 Criminal Mischief In The Second Degree. A person commits the crime of criminal mischief in the second degree if:

A. he violates Section 7.60.490, and as a result thereof damages property in an amount exceeding \$100.00; or

B. having no right to do so nor reasonable ground to believe that he has such right, he intentionally damages property of another, or he recklessly damages property of another in an amount exceeding \$100.00.

7.60.500 Penalties.

A. Violation of 7.60.490 is punishable by a fine not to exceed \$200.00.

B. Violation of 7.60.495 is punishable by confinement in jail not to exceed six months, or a fine not to exceed \$500.00, or both.

POSSESSION OF LESS THAN ONE OUNCE OF MARIJUANA

7.60.450 Title. Sections 7.60.450 through 7.60.465 shall be known as the "marijuana possession ordinance" and may be so pleaded and referred to and shall apply within the jurisdictional limits of the City of Troutdale.

7.60.455 Unlawful Possession. It shall be unlawful for any person to knowingly or intentionally be in possession of less than one avoirdupois ounce of dried leaves, stems and flowers of the plant cannabis family or moracea.

7.60.465 Penalties. Any person unlawfully possessing marijuana commits a violation punishable by a fine of not more than \$100.00.

MINOR IN POSSESSION OF ALCOHOL

7.60.425 Title. Sections 7.60.425 through 7.60.445 shall be known as the "minor in possession ordinance", and may be so pleaded and referred to and shall apply within the jurisdictional limits of the City of Troutdale.

7.60.430 Definitions.

A. **Alcoholic Liquor** means any alcoholic beverage containing more than one half of one percent alcohol by volume, and every liquid or solid, patented or not patented containing alcohol and capable of being consumed by a human being.

7.60.435 Purchase or Possession of Liquor By Person Under The Age of Twenty-One.

A. No person under the age of twenty-one years shall attempt to purchase, purchase or acquire alcoholic liquor, except when such minor is in a private residence accompanied by his parent or guardian and with such parents' or guardian's consent, no person under the age of twenty-one years shall have in his possession alcoholic liquor.

B. For purposes of this Section, possession of alcoholic liquor includes the acceptance or consumption of a bottle of such liquor, or any portion thereof, or a drink of such liquor. However, this Section does not prohibit the acceptance or consumption by any person of sacramental wine as a part of a religious rite or service.

7.60.440 Effect of Other Laws. This ordinance shall not affect the validity or enforceability of any other state law or county ordinance which is or may in the future be in effect and which relate to the activities regulated by this ordinance.


7.60.445 Penalties. A person under the age of twenty-one years who attempts to purchase, purchases or acquires alcoholic liquor, or who illegally has in his possession alcoholic liquor, commits a violation punishable by a fine of not more than \$100.00.

Effect of Other Laws. This ordinance shall not affect the validity or enforceability of any other state law or county ordinance which is or may be in the future in effect and which relate to the activities regulated by this ordinance.

PASSED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE ON THIS 27th day of October, 1981.

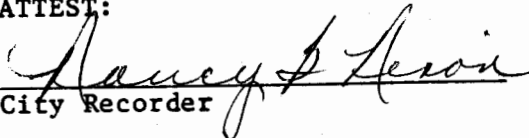
YEAS 6

NAYS 0



MAYOR

ATTEST:



City Recorder