

AN ORDINANCE MAKING IT UNLAWFUL TO REFUSE TO LEAVE THE AREA OF AN EMERGENCY OR DISASTER OR AN AREA WHERE SUCH AN EMERGENCY OR DISASTER IS THREATENED OR AN AREA IN THE VICINITY OF A RIOT, DISTURBANCE OR ARREST; MAKING IT UNLAWFUL TO DIRECTLY PHYSICALLY INTERFERE WITH RESCUE, FIRE-FIGHTING EMERGENCY AID OR ARREST AFTER BEING DIRECTED BY A POLICE OFFICER TO LEAVE THE AREA.

WHEREAS, a person's refusal to leave the area of an emergency or disaster or an area where such an emergency or disaster is threatened, or the vicinity of a riot, disturbance or arrest, may be unsafe to themselves or others; and

WHEREAS, a person's direct physical interference with rescue, fire fighting, emergency aid or arrest may be unsafe to themselves or others;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE:

SECTION 1. SHORT TITLE

This ordinance shall be known as (INTERFERING IN EMERGENCIES.)

SECTION 2. AUTHORITY AND INTENT

A. Pursuant to the statutes of the State of Oregon and the powers granted in the charter of the City of Troutdale, the City does hereby declare and reaffirm:

1. It shall be unlawful for any person to refuse to leave the area of a fire, explosion, accident, cave-in, or similar emergency or disaster, or where such an emergency or disaster is threatened, or the vicinity of a riot, disturbance or arrest when their presence may be unsafe to themselves or others, or may directly physically interfere with rescue, fire fighting, emergency aid, or arrest, after being directed to leave that area by an individual whom the person knows to be a police officer.

2. "To leave the area" means to physically move to a location not less than twenty (20) feet extending in a radius from where police, fire, or medical personnel are engaged in performing official duties in connection with the emergency, disaster, riot, disturbance, or arrest; the radius may be extended beyond twenty (20) feet when a police officer reasonably believes that such extension is necessary because there exists some substantial risk of physical injury to any person.

3. A violation of this ordinance is a Class A misdemeanor.

SECTION 3. DEFINITIONS

As used in this Ordinance, the following definitions shall apply:

1. RIOT: Riot means a public disturbance involving (1) an act or acts of violence by one or more persons part of an assemblage of three or more persons, which act or acts shall constitute a clear and present danger of, or shall result in damage or injury to the property of another person or to the person of another individual or; (2) a threat or threats or commission of an act or acts of violence by one or more persons part of an assemblage of three or more persons having, individually or collectively, the ability of immediate execution of such threats or threats, where the performance of the threatened act or acts of violence would constitute a clear and present danger of, or would result in damage or injury to the property of another person or the person of any other individual.

2. EMERGENCY: Emergency includes any man-made or natural event or circumstance causing or threatening loss of life, injury to person or property, human suffering or financial loss, and includes, but is not limited to, fire, explosion, flood, severe weather, drought, earthquake, volcanic activity, spills or releases of oil or other hazardous material, contamination, utility or transportation emergencies, disease, blight, infestation, civil disturbance, riot, sabotage and war.

3. ARREST: Arrest means to place a person under actual or constructive restraint or to take a person into custody for the purpose of charging that person with an offense.

PASSED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THIS 25TH DAY OF APRIL, 1989.

YEAS: 5
NAYS: 0
ABSTAINED: 0

Sam K Cox
Sam K. Cox, Mayor
Dated: APRIL 26, 1989

ARREST:

Valerie J. Raglione
Valerie J. Raglione
City Recorder
[EX43/1:9]