

ORDINANCE NO. 593A

Introduced by Robert E. Shepherd

AN ORDINANCE PROSCRIBING GENERAL OFFENSES; AND REPEALING CERTAIN ORDINANCES.

The City of Warrenton ordains as follows:

DEFINITIONS

Section 1. Definitions. The definitions contained in Oregon Criminal Code of 1971, Chapter 743 of Oregon Laws, 1971, as now or hereafter constituted, are adopted by reference and made a part of this ordinance. Except where the context clearly indicates a different meaning, the general definitions and the definitions appearing in the definitional and other sections of particular articles of the code shall be applicable throughout this ordinance.

DISORDERLY CONDUCT AND RELATED OFFENSES

Section 2. Assault. No person shall:

- (1) Intentionally, knowingly, or recklessly cause physical injury to another.
- (2) With criminal negligence cause physical injury to another by means of a deadly weapon.

Section 3. Menacing. No person shall by word or conduct intentionally attempt to place another person in fear of imminent serious physical injury.

Section 4. Recklessly Endangering Another Person. No person shall recklessly engage in conduct which creates a substantial risk of serious physical injury to another person.

Section 5. Disorderly Conduct. No person shall, with intent to cause public inconvenience, annoyance, or alarm, or by recklessly creating a risk thereof:

- (1) Engage in fighting or in violent, tumultuous, or threatening behavior.
- (2) Use abusive or obscene language, or make an obscene gesture, in a public place.
- (3) Disturb any lawful assembly of persons without lawful authority.
- (4) Obstruct vehicular or pedestrian traffic in or on a public way or public place.
- (5) Congregate with other persons in a public place and refuse to comply with a lawful order of the police to disperse.
- (6) Initiate or circulate a report, knowing it to be false, concerning an alleged or impending fire, explosion, crime, catastrophe, or other emergency.
- (7) Create a hazardous or physically offensive condition by any act which he is not licensed or privileged to do.

Section 6. Public Intoxication and Drinking. No person shall create, while in a state of intoxication, any disturbance of the public in any public or private business or place.

Section 7. Loitering. No person shall:

(1) Loiter in or near a school building or grounds, not having any reason or relationship involving custody of or responsibility for a student; or, upon inquiry by a peace officer or school official, not having a specific, legitimate reason for being there.

(2) Loiter in or about a public place frequented by children, including swimming pools, school bus stops, playgrounds, and parks and public premises adjacent thereto, for the purpose of annoying, bothering, or molesting children.

Section 8. Harassment. No person shall, with intent to harass, annoy, or alarm another person:

(1) Subject another to offensive physical contact.

(2) Publicly insult another by abusive or obscene words or gestures in a manner likely to provoke a violent or disorderly response.

(3) Communicate with a person, anonymously or otherwise, by telephone, mail, or other form of written communication, in a manner likely to cause annoyance or alarm.

(4) Engage in a course of conduct that alarms or seriously annoys another person and which serves no legitimate purpose.

Section 9. Abuse of Venerated Objects.

(1) No person shall intentionally abuse a public monument or structure, a place of worship or burial, or the national or state flag.

(2) As used in this section, "abuse" means to deface, damage, defile, or otherwise physically mistreat in a manner likely to outrage public sensibilities.

Section 10. Unnecessary Noise. No person shall create or assist in creating or permit the continuance of unreasonable noise in the city of Warrenton. The following enumeration of violations of this section is not exclusive but is illustrative of some unreasonable noises.

(1) The keeping of an animal which by loud and frequent or continued noise disturbs the comfort and repose of a person in the vicinity.

(2) The use of an engine, thing, or device which is so loaded, out of repair, or operated in such a manner as to create a loud or unnecessary grating, grinding, rattling, or other noise.

(3) The use of a mechanical device operated by compressed air, steam, or otherwise, unless the noise created thereby is effectively muffled.

(4) The construction, including excavation, demolition, alteration, or repair of a building other than between the hours of 7:00 a.m. and 6:00 p.m., except upon special permit granted by the city.

(5) The use or operation of an automatic or electric piano, phonograph, loudspeaker, or sound-amplifying device so loudly as to disturb persons in the vicinity thereof, or in such manner as renders the same a public nuisance; provided, however, that upon application to the council, permits may be granted to responsible persons or organizations to broadcast programs of music, news, speeches, or general entertainment.

(6) The operation of a log dump other than between the hours of 7 A.M. and 9 P.M. including the use of pile driver, steam shovel, hoist and all log dumping equipment or apparatus, the use of which is attended by loud or unusual noise, except upon special permits granted by the city.

Section 11. Narcotic and Dangerous Drugs. No person shall, without proper authority, sell, use, or possess for any purpose whatsoever a narcotic or dangerous drug as defined by the laws of the State of Oregon.

(Sections 12 to 15 reserved for expansion)

WEAPONS AND FIREWORKS

Section 16. Concealed Weapons. Except as provided in ORS 166.260 and 166.290, no person shall carry concealed about his person or carry concealed in a vehicle a revolver, pistol, or other firearm, or any knife other than an ordinary pocket knife, any dirk, dagger, or stiletto, any metal knuckles, or any other weapon by the use of which injury could be inflicted upon the person or property of another. For purposes of this section, an ordinary pocket knife is one with a maximum blade length of three and one-half inches, which is not a switch-blade or spring-blade knife.

Section 17. Discharge of Weapons. Except at firing ranges approved by the chief of police and the commission, no person other than an authorized peace officer shall fire or discharge a gun or other weapon, including spring or air-actuated pellet guns, air guns, BB guns, bow and arrow, or any weapon which propels a projectile by use of gunpowder or other explosive, jet, or rocket propulsion.

Section 18. Fireworks. The following sections of the Oregon Fireworks Law, together with all acts and amendments applicable to cities which are now or hereafter enacted, are adopted by reference and made a part of this ordinance: ORS 480.110, 480.130, 480.140(1), 480.150, and 480.170.

(Sections 19 to 23 reserved for expansion.)

SEXUAL AND RELATED OFFENSES

Section 24. Accosting for Deviate Purposes. No person shall, while in a public place, invite or request another person to engage in deviate sexual intercourse.

Section 25. Public Indecency.

No person shall, while in or in view of a public place, perform:

- (1) An act of sexual intercourse.

- (2) An act of deviate sexual intercourse.
- (3) An act of exposing his genitals with the intent of arousing the sexual desire of himself or another person.
- (4) An act of urination or defecation, except in toilets provided for that purpose.

Section 26. Prostitution.

(1) Definitions. As used in this section, unless the context requires otherwise, the following shall mean:

(a) Place of prostitution. Any place where prostitution is practiced.

(b) Prostitute. A male or female person who engages in sexual conduct for a fee.

(c) Prostitution enterprise. An arrangement whereby two or more prostitutes are organized to conduct prostitution activities.

(d) Sexual conduct. Sexual intercourse or deviate sexual intercourse.

(2) Prostitution. No person shall engage in or offer or agree to engage in sexual conduct in return for a fee.

(3) No person shall, with intent to promote prostitution, knowingly:

(a) Own, control, manage, supervise, or otherwise maintain a place of prostitution or a prostitution enterprise.

(b) Induce or cause a person to engage in prostitution or to remain in a place of prostitution.

(c) Receive or agree to receive money or other property, other than as a prostitute being compensated for personally rendered prostitution services, pursuant to an agreement or understanding that the money or other property is derived from a prostitution activity.

(d) Engage in any conduct that institutes, aides, or facilitates an act or enterprise of prostitution.

(4) Compelling prostitution. No person shall knowingly:

(a) Use force or intimidation to compel another to engage in prostitution.

(b) Induce or cause a person under 18 years of age to engage in prostitution.

(c) Induce or cause his spouse, child, or stepchild to engage in prostitution.

(5) Promoting and compelling prostitution; corroboration.

A person shall not be convicted under Subsection (3) or (4) of this section solely on the uncorroborated testimony of the person whose prostitution he is alleged to have promoted or compelled.

(6) Evidence.

(a) On the issue of whether a place is a place of prostitution, as defined in Subsection (1) of this section, its general route and repute of persons who reside in or frequent the place shall be competent evidence.

(b) Notwithstanding ORS 139.320, in any prosecution under Subsections (3) and (4) of this section, spouses are competent and compellable witnesses for or against either party.

Section 27. Prohibited Touching.

(1) No person shall pay a fee or receive a fee, directly or indirectly, for touching or offering to touch the sexual parts of another for the purpose of arousing or gratifying the sexual desire of either party.

(2) No person who manages or controls any place of business shall cause or permit any agent, employe, or other person under his control or supervision to participate in conduct prohibited in Subsection (1).

Section 28. Obscenity. ORS 167.060 to 167.095 (Oregon Criminal Code of 1971), as now or hereafter constituted, is adopted by reference and made a part of this ordinance, save and except penalty provisions.

(Sections 29 to 31 reserved for expansion.)

OFFENSES RELATING TO PROPERTY

Section 32. Theft. ORS 164.015 to 164.135 (Oregon Criminal Code of 1971), as now or hereafter constituted, is adopted by reference and made a part of this ordinance, save and except penalty provisions.

Section 33. Trespass. No person shall enter or remain unlawfully in or upon premises.

Section 34. Violating Privacy of Another. No person other than a peace officer performing a lawful duty shall enter upon land or into a building used in whole or in part as a dwelling not his own without permission of the owner or person entitled to possession thereof and while so trespassing look through or attempt to look through a window, door, or transom of the dwelling or that part of the building used as a dwelling with the intent to violate the privacy of another person.

Section 35. Mischief. No person shall, with intent to cause substantial inconvenience to the owner or to another person, and having no right to do so nor reasonable ground to believe he has such right, tamper with property of another.

Section 36. Aggravated Mischief.

(1) No person shall violate Section 35 and as a result thereof damage property in an amount exceeding \$100.00.

(2) No person shall, while having no right to do so nor reasonable ground to believe that he has such right, intentionally damage property of another, or recklessly damage property of another in an amount exceeding \$100.00.

(Sections 37 to 40 reserved for expansion).

MINORS

Section 41. Child Neglect. No person having custody or control of a child under 10 years of age shall, with criminal negligence, leave the child unattended in or at any place for such period of time as may be likely to endanger the health or welfare of such child.

Section 42. Children Confined in Vehicles.

(1) No person who has under his control or guidance a child under 10 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 10 consecutive minutes.

(2) It shall be lawful and the duty of a policeman or other peace 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 may be confined in order to remove the child.

Section 43. Endangering Welfare of Minor.

(1) No person shall:

(a) Knowingly sell, or cause to be sold, tobacco in any form to a person under 18 years of age.

(b) Employ a person under 18 years of age in or about a cardroom, poolroom, billiard parlor, or dance hall, unless the establishment is a "recreational facility" as defined in Subsection (3) of Section 44.

(2) No person shall solicit, aid, abet, or cause a person under 18 years of age to:

(a) Violate a law of the United States, or of this state or to violate an ordinance of this city or county.

(b) Run away or conceal himself from a person or institution having lawful custody of the minor.

Section 44. Places of Amusement.

(1) No person under 18 years of age shall enter, visit or loiter in or about a public cardroom, poolroom, billiard parlor, or dance hall, unless the establishment is a "recreational facility" as defined in Subsection (3) of this section.

(2) No person operating or assisting in the operation of a public cardroom, poolroom, billiard parlor, or public place of amusement shall 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.

(3) This section shall not apply to the playing of billiards or pool in a recreational facility. As used in this section, 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: (a) which is clean, adequately lighted, and ventilated; (b) in which no alcoholic liquor is sold or consumed;

and (c) access to which does not require passing through a room where alcoholic liquor is sold or consumed.

Section 45. Misrepresentation of Age by Minor. No person shall:

(1) Being less than a certain, specified age, knowingly represent himself to be of any age other than his true age with the intent of securing a right, benefit, or privilege which by law is denied to persons under that certain, specified age.

(2) Being unmarried, knowingly represent that he is married with the intent of securing a right, benefit, or privilege which by law is denied to unmarried persons.

(Sections 46 to 49 reserved for expansion)

OBSTRUCTING GOVERNMENTAL ADMINISTRATION

Section 50. Unsworn Falsification. No person shall knowingly make any false written statement to a public servant in connection with an application for any benefit.

Section 51. Obstructing Governmental Administration.

(1) No person shall intentionally obstruct, impair, or hinder the administration of law or other governmental function by means of intimidation, force, or physical interference or obstacle.

(2) This section shall not apply to the obstruction of unlawful governmental action or interference with the making of an arrest.

Section 52. Tampering with Public Records. No person shall, without lawful authority, knowingly destroy, mutilate, conceal, remove, make a false entry in or falsely alter any public record.

Section 53. Impersonation. No person shall, with intent to obtain a benefit or to injure or defraud another, falsely impersonate a public servant and do an act in such assumed character.

Section 54. False Reports.

(1) No person shall knowingly initiate a false alarm or report which is transmitted to a fire department or law enforcement agency or other organization that deals with emergencies involving danger to life or property.

(2) No person shall knowingly make or file with the police department or with the city attorney or a police officer engaged in his official duties a false, misleading, or unfounded statement or report concerning the violation or alleged violation of a city ordinance or the commission or alleged commission of a crime.

Section 5. Resisting or Refusing to Aid Officer.

(1) No person shall resist any peace officer acting in the performance of his duties; or, when requested to do so, refuse to assist any such officer in the discharge of his duties; or by any means whatsoever, hinder, delay, or obstruct any such officer acting in the performance of his duties.

(2) No person shall for hire or profit engage in the practice of occult arts, either public or private.

(3) Nothing in this section shall be construed to prohibit or prevent:

(a) A duly organized and recognized religious organization which promulgates religious teachings or beliefs involving spiritualism or similar media from holding its regular meetings or services.

(b) A school, church, fraternal, charitable, or other benevolent organization from utilizing occult arts for a bazaar or other money-raising project, provided that all money so received is devoted exclusively to the organization sponsoring the affair. In such case, the money so received shall be considered as a donation for benevolent and charitable purposes.

Section 65. Begging. No person shall accost another in a public place for the purpose of soliciting alms.

Section 66. Lodging. No person shall lodge in a car, outbuilding, or other place not intended for that purpose without permission of the owner or person entitled to the possession thereof.

Section 67. Cruelty to Animals.

(1) Except as otherwise authorized by law, no person shall intentionally or recklessly:

(a) Subject any animal under human custody or control to cruel mistreatment.

(b) Subject any animal under his custody or control to cruel neglect.

(c) Kill without legal privilege any animal under the custody or control of another, or any wild bird.

(2) As used in this section, "animal" includes birds.

Section 68. Vehicles Injuring Animals. Any person operating a vehicle within the city who shall run over, strike, injure, maim, or kill any domestic animal shall immediately stop and render aid to such animal, if injured, or provide for the disposition of the carcass, if such animal is killed; and in either case such person shall make due and diligent inquiry to determine the owner of such animal; and if the owner be found he shall notify him of the occurrence and also report the same forthwith to the chief of police or his assistant.

68.1 Removal of Animal Carcasses. It shall be unlawful for any person to suffer or permit the carcass of any animal owned by him to remain upon the public streets or ways and no person who is the owner or occupant of any property shall suffer or permit the carcass of any animal to remain thereon. It shall be the duty of such owner or occupant forthwith to cause the carcass to be buried or other disposition made of the same in compliance with the health and sanitary regulations applicable. The obligation of the owner of the animal or occupant of the property to dispose of the same is

paramount to the duty of disposition provided for in Section 68 hereto.

Section 69. Obstruction of Building Entrances. No person shall obstruct the entrance to a building which is reasonably discernible as an entrance.

Section 70. Obstruction of Sidewalks. No owner or person in charge of property shall permit a cellar door or grate located in or upon a sidewalk or public highway to remain open except when such entrance is being used, and, when being used, there are adequate safeguards for pedestrians using the sidewalk.

Section 71. Vending Goods on Streets or Sidewalks. No person shall use or occupy any portion of a street or sidewalk for the purpose of vending goods, wares, or merchandise by public outcry or otherwise, unless a license has first been obtained.

Section 72. Spitting on Sidewalks. No person shall spit or expectorate upon a sidewalk or building or in a public place except in receptacles provided for that purpose, or defile in any manner a drinking fountain used by the public.

Section 73. Obstruction of Fire Hydrants. It shall be unlawful for the owner of property adjacent to a street upon which is located a fire hydrant to place or maintain within eight feet of such fire hydrant any bush, shrub, or tree, or other obstruction.

Section 74. Disorderly Conduct at Fires.

(1) It shall be unlawful for any person at or near a fire to obstruct or impede the fighting of the fire, interfere with fire department personnel or fire department apparatus, to behave in a disorderly manner, or refuse to observe promptly an order of a member of the fire or police department.

(2) For purposes of this section, members of the fire department are endowed with the same powers of arrest as are conferred upon peace officers for violations of city ordinances.

Section 75. Possession of Burglar's Tools.

(1) No person shall possess any burglar tool with the intent to use the tool or knowing that some person intends to use the tool to commit or facilitate a forcible entry into premises or theft by a physical taking.

(2) "Burglar tool" means an acetylene torch, electric arc, burning bar, thermal lance, oxygen lance, or other similar device capable of burning through steel, concrete, or other solid material, or nitroglycerine, dynamite, gunpowder, or any other explosive, tool, instrument, or other article adapted, designed, or commonly used for committing or facilitating a forcible entry into premises or theft by a physical taking.

Section 76. 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 77. Posted Notices. No person shall affix a placard, bill, or poster upon personal or real property, private or public, without first obtaining permission from the owner thereof or from the proper public authority.

(Sections 78 and 79 reserved for expansion.)

GENERAL

Section 80. 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 81. 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.

(Sections 82 through 100 reserved for expansion)

Section 101. Violations, Continuous. Whenever in this ordinance, or any ordinance of the city of Warrenton, 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 102. Penalties. Violation of any provision of this ordinance is punishable by a fine not to exceed \$500.00, or imprisonment not to exceed 180 days, or by both fine and imprisonment; provided, however, if there is a violation of any provision identical to a state statute with a lesser penalty attaching, punishment shall be limited to the lesser penalty prescribed in the state law.

Section 103. Nuisance Abatement. In addition to the imposition of penalties, violations of Sections 10, 57, 69, 70, 73, and 77 are declared to be public nuisances and subject to abatement, as provided in Ordinance No. _____ or other lawful means.

Section 104. 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 \$10.00 of such fine unpaid. Persons fined and sentenced 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 105. Severability. The sections and subsections of this ordinance are severable. The invalidity of any one section or subsection shall not affect the validity of the remaining sections or subsections.

Section 106. Repeal.

(1) City of Warrenton Ordinance No. 199A, adopted November 20, 1939, 267A, passed and approved July 19, 1948, 321A, passed and approved May 18, 1953 and 564A, passed and approved September 20, 1971.

(2) Notwithstanding the preceding repeal, those ordinances heretofore referred to, be and the same shall remain in force and effect for the purpose of authorizing the arrest, prosecution, conviction and punishment of a person who violated said ordinances prior to the effective date of this ordinance.


Passed by the City Commission of the City of Warrenton this 12 day of February, 1973.

Signed and approved by the Mayor of the City of Warrenton this 12 day of February, 1973.



Mayor

ATTEST?



Auditor