

ORDINANCE No. 851-A

Introduced by Commissioner all City Commissioners

PRESCRIBING GENERAL OFFENSES; PROVIDING PENALTIES; AND REPEALING ORDINANCE NO. 593-A, 739-A, 810-A AND ALL AMENDMENTS

The City of Warrenton, Oregon, Ordains as follows:

Section 1. OREGON CRIMINAL CODE ADOPTED

(1) Oregon Revised Statutes, Chapters 161, 162, 163, 164, 165, 166 and 167, except for any provision classified as a felony under state law, are adopted by reference. Violation of an adopted provision of those chapters is an offense against this city.

(2) The provisions of Oregon Revised Statutes, Chapter 161, relating to defenses, burden of proof, general principles of criminal liability, parties, and general principles of justification apply to offenses defined and made punishable by this ordinance.

(3) Except where the context clearly indicates a different meaning, definitions appearing in the general definitional and other particular sections of chapters adopted by subsection (1) above are applicable throughout this ordinance.

DISORDERLY CONDUCT AND RELATED OFFENSES

Section 2. DISORDERLY CONDUCT AT FIRES

(1) No person at or near a fire shall obstruct or impede fighting of the fire, interfere with fire department personnel or fire department apparatus, behave in a disorderly manner or refuse to observe promptly any 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 on peace officers for violations of city ordinances.

Section 3. DRINKING IN PUBLIC PLACES

No person shall drink or consume alcoholic liquor in or on a street, alley, mall, parking lot or structure, motor vehicle, public grounds or other public place unless the place has been licensed for that purpose by the Oregon Liquor Control Commission. Consumption of alcoholic liquor is permitted in a park.

Section 4. UNNECESSARY NOISE

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

(1) Keeping an animal that, by loud and frequent continued noise, disturbs the comfort and repose of a person in the vicinity.

(2) Using an engine, thing or device that 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) Using a mechanical device operated by compressed air, steam or otherwise, unless the noise created by it is effectively muffled.

(4) Construction, excavation, demolition, alteration or repair of a building between the hours of 6:00 PM and 7:00 AM, except by special permit granted by the city.

(5) Using or operating an automatic or electric piano, phonograph, loudspeaker or sound-amplifying device so loudly that it disturbs persons in its vicinity, or in a manner that makes it a public nuisance. However, on application to the city commission, permits may be granted to broadcast music, news, speeches or general entertainment.

(Section 5 to 15 reserved for expansions)

WEAPONS AND FIREWORKS

Section 16. CONCEALED WEAPONS

Except as provided in ORS 166.260 and 166.290, no person shall carry concealed on his or her person or conceal in a vehicle a revolver, pistol or other firearm; a knife other than an ordinary pocket knife; a dirk, dagger or stiletto; metal knuckles; or any weapon that could be used to inflict injury on a person or property of another. For purposes of this section, an ordinary pocket knife is one with a maximum blade length of 3 1/2 inches that is not a switch-blade or spring-blade knife.

Section 17. DISCHARGE OF WEAPONS

Except on a person's own property, at a firing range approved by the commission or areas designated for duck hunting, no person other than a peace officer shall fire or discharge a gun, including a spring- or air-actuated pellet gun, air gun, BB gun or other weapon that 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 are adopted by reference and made a part of this ordinance: ORS 480.110, 480.120, 480.130, 480.140(1), 480.150 and 480.170.

(Section 19 to 35 reserved for expansion)

SEXUAL AND RELATED OFFENSES

Section 36. 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/her genitals with the intent of arousing the sexual desire of himself/herself or another person.
- (4) An act of urination or defecation except in toilets provided for that purpose.

(Sections 37 to 40 reserved for expansion)

OFFENSES RELATING TO MINORS

Section 41. ENDANGERING WELFARE OF A MINOR

- (1) No person shall 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 Section 42(3).

- (2) No person shall solicit, aid or cause a person under 18 years of age to:
- (a) Violate a law of the United States or a state, or to violate a city or county ordinance.
 - (b) Run away or conceal himself from a person or institution having lawful custody of the minor.

Section 42. **PLACES OF AMUSEMENT**

- (1) No person under 18 years of age shall enter, visit or loiter in or about a public cardroom, poolroom or billiard parlor.
- (2) No person operating or assisting in the operation of a public cardroom, poolroom or billiard parlor shall permit a person under 18 years of age to engage in a game of cards, pool, billiards, dice or games of chance, for amusement or otherwise.
- (3) This section shall not apply to playing billiards or pool in a recreational facility. As used in this section, "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) Is clean, adequately supervised, adequately lighted and ventilated.
 - (b) No alcoholic liquor is sold or consumed.
 - (c) Where access does not require passing through a room where alcoholic liquor is sold or consumed.

Section 43. **PROVIDING LIQUOR TO MINORS**

No person shall sell, give, serve or otherwise make available any alcoholic liquor to a minor except as provided in Section 45 of this ordinance.

Section 44. **PURCHASE OR POSSESSION OF LIQUOR BY A MINOR**

- (1) Except as provided in Section 45 of this ordinance, no minor shall attempt to purchase, acquire or have in his/her possession alcoholic liquor.
- (2) For the purposes of this section, possession of alcoholic liquor includes 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 a person from accepting or consuming sacramental wine as part of a religious rite or service.

Section 45. **LAWFUL CONSUMPTION OF LIQUOR BY A MINOR**

Nothing in this ordinance shall be construed as prohibiting a parent or other responsible relative of a minor from giving that minor alcoholic liquor and permitting the minor to consume it within the home of the parent or other responsible relative, or at another private place not in view of the public where the parent or other responsible relative is present.

Section 46. **PURCHASE OF PROPERTY FROM MINORS**

No person shall purchase any property or article of value from a minor or have dealings respecting the title of property in the possession of a minor without the written consent of the parent or guardian of the minor.

(Sections 47 to 50 reserved for expansion)

OFFENSES RELATING TO ANIMALS

Section 51. 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/her 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 52. POISONING ANIMALS

No person shall put out or place poison where it is liable to be eaten by cattle, sheep, horses, hogs, dogs or other domestic animals.

(Section 53 to 57 reserved for expansion)

OBSTRUCTING GOVERNMENTAL ADMINISTRATION

Section 58. POLICE AND FIRE COMMUNICATIONS

No person shall operate any generator or electromagnetic wave or cause a disturbance of a magnitude that interferes with the proper functioning of a police or a fire department radio communication system. Interference caused by equipment operated in compliance with Federal Communications Commission regulations does not violate this section.

(Section 59 to 70 reserved for expansion)

STREET AND SIDEWALK OFFENSES

Section 71. OBSTRUCTION OF BUILDING ENTRANCES

No person shall obstruct an entrance to a building.

Section 72. OBSTRUCTION OF FIRE HYDRANTS

No owner of property adjacent to a street upon which a fire hydrant is located shall place or maintain a bush, shrub or tree or other obstruction within eight feet of the fire hydrant.

Section 73. VENDING GOODS ON STREETS OR SIDEWALKS

No person shall use or occupy a portion of a street or sidewalk for the purpose of vending goods, wares or merchandise by public outcry unless a permit has been obtained.

(Sections 74 to 79 reserved for expansion)

MISCELLANEOUS

Section 80. GAMBLING

(1) Except as provided by subsection (2), no person shall engage in social games or gambling within the city.

Section 95. PENALTIES

Violation of a provision of this ordinance is punishable by a fine not to exceed \$1,000.00. However, if a violation of a provision is identical to a state statute with a lesser penalty, punishment shall be limited to the lesser penalty prescribed in state law.

Section 96. NUISANCE ABATEMENT

No provision in this ordinance shall preclude abatement of a nuisance as provided in the city's general nuisance ordinance.

Section 97. SEVERABILITY

Invalidity of a section or a part of a section of this ordinance shall not affect the validity of the remaining sections or parts of sections.

Section 98. APPLICATION OF STATE STATUTES

Provisions of the Oregon Criminal Code of 1971, as now constituted, relating to defenses, burden of proof, general principles of criminal liability, parties, and general principles of justification apply to offenses defined and made punishable by this ordinance.

Section 99. REPEAL

Ordinances No. 593-A, adopted February 12, 1973 739-A adopted December 6, 1982 and 810-A adopted October 21, 1987 are hereby repealed.

Section 100. SAVING CLAUSE

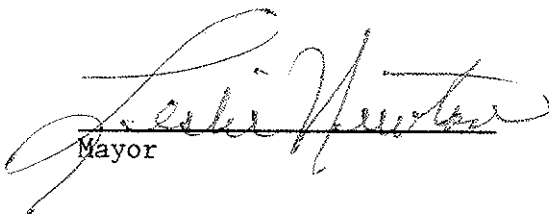
Notwithstanding Section 99, ordinances repealed shall remain in force to authorize the arrest, prosecution, conviction and punishment of a person who violated the ordinances prior to the effective date of this ordinance.

First reading : 4/19/89

Second reading: 5/3/89

PASSED by the City Commission of the City of Warrenton, Oregon, this 3rd day of May 19 89.

APPROVED by the Mayor of the City of Warrenton, Oregon, this 3rd day of May 19 89.


Mayor

ATTEST:


City Manager/Auditor

(2) Gambling does not include bingo or lotto when operated by a charitable, fraternal or religious organization when no person other than the organization or player profits in any manner from the operation of the lottery and when the organization has complied with the provisions of subsection (2) of ORS 465.100.

(3) For the purpose of this section, "gambling", "social games", "bingo" and "lotto" are defined as provided by ORS 167.177.

Section 81. **BEGGING**

No person shall accost another in a public place to solicit alms.

Section 82. **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 possession.

Section 83. **SELLING OR PLEDGING PROPERTY OF INTOXICATED PERSONS**

No person shall purchase property from a person who is in an intoxicated condition or under the influence of a narcotic drug; or advance, loan money to, or have dealings with such person respecting the title to property.

Section 84. **NOTICES AND ADVERTISEMENTS**

(1) No person shall attach or cause to be attached a placard, bill, advertisement or poster upon real or personal property, whether public or private, without first securing permission from the owner or person in control of the property. This section shall not be construed as an amendment to, or repeal of, any city regulation of the use and location of signs.

(Section 86 to 90 reserved for expansion)

GENERAL

Section 91. **OFFENSES OUTSIDE CITY LIMITS**

This ordinance applies to acts committed on property owned or leased by the city that is outside the corporate limits of the city.

Section 92. **SOLICITING OR CONFEDERATING TO VIOLATE ORDINANCES**

No person shall solicit, aid, employ or engage another, or confederate with another, to violate a provision of any city ordinance.

Section 93. **ATTEMPT TO COMMIT OFFENSES**

A person who attempts to commit an offense mentioned in this ordinance or any ordinance of the city but who, for any reason, is prevented from consummating such act is guilty of an offense.

Section 94. **SEPARATE VIOLATIONS**

When, in any city ordinance, an act is prohibited or is made or declared to be unlawful or an offense, or doing an act is required, or the failure to do an act is declared to be unlawful or an offense, each day a violation continues constitutes a separate offense.