

A BILL FOR AN ORDINANCE DEFINING)
AND PUNISHING CERTAIN OFFENSES.)
AND DECLARING AN EMERGENCY)

ORDINANCE BILL NO. 58
for 1967
ORDINANCE NO. 1288

THE PEOPLE OF THE CITY OF LEBANON DO ORDAIN AS FOLLOWS:

DEFINITIONS

Section 1. Definitions. Unless the context requires otherwise, the following mean:

- (1) City. The city of Lebanon.
- (2) Council. The governing body of the city.
- (3) Minor. Any person under the age of 21, except as otherwise provided.
- (4) Person. A natural person, firm, partnership, association, or corporation, whether he or it is acting for himself or itself or as the clerk, servant, employee or agent of another.
- (5) Public place. A building, way, place, or accommodation, whether publicly or privately owned, open and available to the general public.

OFFENSES AGAINST THE PUBLIC PEACE

Section 2. Assault and Battery. No person shall, with or without a weapon, attack, assault, or commit a battery upon any other person.

Section 3. Disorderly Conduct.

- (1) No person shall disturb the peace by:
 - (a) Participating in or abetting any rude, indecent, riotous, drunken or violent conduct.
 - (b) Using any vulgar, obscene, or abusive language in any public place.
 - (c) Inciting any other person to commit any breach of the peace.
 - (d) Committing any obscene, indecent, or immoral act in any public place.
- (2) No person shall knowingly permit disorderly conduct of any premises owned or controlled by him.

Section 4. Disturbance of Lawful Assemblies. No person shall knowingly interrupt, disturb, or annoy any lawful assembly either public or private, by any offensive act committed within such assembly or so near it as to disturb it.

OFFENSES AGAINST THE PUBLIC SAFETY

Section 5. Concealed Weapons. No person other than an authorized peace officer or person licensed pursuant to ORS 166.290, as now or hereafter amended, shall carry concealed on or about his person in any manner any revolver, pistol, other firearm, knife other than an ordinary pocketknife with a blade less than three and one-half inches long, dirk, dagger, stiletto, metal knuckles, or weapon the use of which could inflict injury upon a person or property.

Section 6. Discharge of Weapons.

- (1) No person other than an authorized peace officer shall fire or discharge a gun, including spring or air-actuated pellet guns, air guns, or other weapon which propels a projectile by use of gun powder or other explosive, jet, or rocket propulsion.
- (2) The provisions of this section shall not be constructed to prohibit the firing or discharging of a weapon by any person in the defense or protection of his person, or family.

Section 7. Escape of Prisoners from custody.

- (1) No person shall aid or attempt to aid in the escape of a confined prisoner, make available to him, or provide him with anything calculated to aid in such escape.

(2) No person shall knowingly aid an escaped prisoner by offering shelter, clothing, food, or any other thing or service which would aid or abet the escape of such prisoner.

(3) No person in the custody of an officer of the city and no prisoner confined in the city jail or in any other place where prisoners are kept or confined shall escape or attempt to escape from such custody or confinement.

Section 8. Interference with Police.

(1) No person shall hinder, delay, obstruct, resist, or refuse to assist any police officer or person duly empowered with police authority who is acting in the discharge of his duty.

(2) No person shall help anyone escape or attempt to escape from the custody of a police officer or other person duly empowered with police authority.

(3) No person shall deliver, by any method whatsoever, any intoxicating liquor or narcotic drug to any person confined in the city jail, or attempt to convey or deliver to any such person any article without the permission and consent of the officer in charge.

(4) No person shall impersonate, falsely assume, or pretend to be a law enforcement officer.

(5) No person shall use, and no owner or person in charge of Property shall permit the use of, property for planning or promoting criminal activities or for violation of city ordinances.

(6) No person shall operate any generator or electromagnetic wave or cause a disturbance of such magnitude as to interfere with the proper functioning of any police radio communication system of the city.

(7) No person shall knowingly make or file with the police department of the city any false, misleading, or unfounded statement or report concerning the commission or alleged commission of any offense or crime, or the violation of any city ordinance.

Section 9. Narcotics and Dangerous Drugs. No person shall, without proper authority, sell use, or possess for any purpose whatsoever any narcotics or dangerous drugs as now or hereafter defined by the laws of the state of Oregon.

Section 10. Burglars' Tools. No person shall possess any burglars' tools or implements of any kind commonly used by burglars in breaking or entering, unless it is shown that such possession is innocent or for a lawful purpose.

Section 11. Buying, Receiving, or Concealing Stolen Property. No person shall buy, receive, conceal, or attempt to buy property that is known or should be known to such person to have been stolen.

Section 12. Sale or Pledge of Property of Drunks. No pawnbroker, junk dealer, chattel loan broker, or other person shall purchase property from advance or loan money to, or have dealings respecting the title to property with a person who is in an intoxicated condition or under the influence of narcotics or dangerous drugs.

Section 13. Disorderly Houses.

(1) No person shall establish, maintain or aid in the establishment or maintenance of a disorderly house as that term is defined in subsection (2) of this section.

(2) "Disorderly house" means any house or place kept or maintained for the purpose of prostitution, fornication, lewdness, gambling, or other immoral purposes, including any place, room, or building used for the consumption, sale, or disposition of liquor or narcotics or dangerous drugs contrary to the law.

(3) No person shall knowingly visit or frequent any disorderly house; provided that this section shall not apply to physicians and officers acting in the discharge of their professional duties.

(4) No person shall knowingly lease any building under his control for the purpose of a disorderly house. Any person whose property has been leased and is used as a disorderly house shall, upon learning of its use, immediately take appropriate action to oust the occupants thereof.

(5) No person shall solicit or entice another person to visit or enter a disorderly house.

Section 14. Gambling.

(1) No person shall participate in, operate, or assist in operating any gambling game or activity, including a lottery.

(2) The term "gambling" means the use or possession of any game, machine, device, or contest, whether played for money, check, credit, or other representative of value, in which the element of chance is controlling, in which a charge is made to participate, and in which the winner is selected primarily on the basis of chance.

(3) No person shall have in his possession any property, instrument, or device designed or adapted for use in any type of gambling activity. Any such property, instrument, or device is a nuisance and may be summarily seized by any police officer. Property so seized shall be placed in the custody of the chief of police. Upon conviction of the person owning or controlling such property for a violation of this section, the municipal judge shall order such property confiscated and destroyed, and the money found in the machines deposited in the city general fund.

Section 15. Immoral Practices.

(1) No person shall wilfully and indecently expose his person in any public place or any place in which other persons might be offended thereby, or make any exhibition of himself to public view in such a manner as to be offensive or designed to excite vicious or lewd thoughts.

(2) No person shall with knowledge of the character or the material:

(a) Import, print, publish, sell, lend, give, distribute, show or have in his possession any lewd, obscene, or indecent book, magazine, pamphlet, newspaper, picture, drawing, photograph, or other instrument or article of an obscene or indecent character.

(b) Permit any show, play, exhibition, entertainment, or motion picture which is of an indecent, lewd, or immoral character in or at any place under his control or supervision.

(3) No man and woman not married to each other shall cohabit together in a lewd or lascivious manner.

(4) No person shall produce or take part in or witness any show, play, exhibition, entertainment, or motion picture which is of an indecent, lewd, or immoral character.

(5) No person shall bathe or swim in any lake, river, stream, pond, slough, creek, or in any public natatorium or swimming pool where such facilities are simultaneously used by both sexes without wearing bathing attire, which is generally used, recognized, and accepted by the public, is not offensive to public morals, and does not expose the bather or swimmer indecently.

(6) No male person shall make improper advances, indecent, remarks or impertinently seek to attract the attention of any female person upon the streets or in public places.

(7) No female person shall frequent, loiter, or be employed in any tavern, cabaret, or nightclub for the purpose of soliciting a male person to purchase drinks. No proprietor of any such establishment shall allow the presence in such establishment of any person who violates the provision of this subsection. This subsection shall not apply to female persons regularly employed as barmaids and waitresses.

(8) No person shall loiter, prowl, or wander upon the property or premises of another without the consent of, or without lawful business with, the owner or occupant thereof. No person shall look or peep in the door or window of any building or structure situated thereon which is inhabited or used as a dwelling without the consent of, or without lawful business with, the owner or occupant thereof.

Section 16. Prostitution.

(1) No woman with or without remuneration, shall engage in the practice of prostitution.

(2) No person shall in any manner solicit any person for the purpose of prostitution.

(3) No person shall knowingly transport or offer to transport any other person to any place or building for the purpose of prostitution.

(4) No person shall bring together, offer to bring together, or aid in bringing together in any manner two or more persons for the purpose of Prostitution.

(5) No person shall solicit, request, entice, or attempt to entice any female person to become a prostitute or to enter a place of prostitution.

(6) In all prosecutions under this section common fame or reputation is competent evidence.

Section 17. Defrauding of Innkeepers.

(1) No person shall, with the intent to defraud, obtain any food, lodging, or other accommodations at any hotel, apartment house, boardinghouse, tourist park, trailer park, or restaurant.

(2) No person shall after having obtained food, lodging, or other accommodation at any hotel, apartment house, boardinghouse, tourist park, trailer park, or restaurant, surreptitiously remove his baggage and clothing from such hotel, apartment house, boardinghouse, tourist park, trailer park, or restaurant without first paying or tendering payment for such food, lodging, or other accommodations.

Section 18. Lodging Accommodations.

(1) No person shall write, cause to be written, or knowingly permit to be written, in any register in any hotel, lodging house, rooming house, or other place where transients are accommodated in the city, any other or different name or designation than the true name or designation of the person so registered, or the name or designation by which such person is generally known.

(2) No proprietor, manager, or other person in charge of a hotel, lodging house, rooming house, or other place where transients are accommodated shall rent or assign rooms for joint and private occupancy by persons of the opposite sex.

(a) Unless such persons are registered as husband and wife, or as parent and minor child.

(b) If, notwithstanding the lawful appearance of the registration he has reasonable cause to believe such transients are not husband and wife or parent and minor child.

Section 19. Occult Arts.

(1) No person shall for hire or profit engage in any practice of occult arts, either public or private, as that term is described and defined in subsections (2) of this section.

(2) The term "Occult Art" means the use of practice of fortune telling, astrology, phrenology, palmistry, clairvoyancy, mesmerism, spiritualism, or any other practice or practices generally recognized to be unsound and unscientific whereby an attempt or pretense is made:

(a) To reveal or analyze past incidents or events.

(b) To analyze or define the character of personality of a person.

(c) To foretell or reveal the future.

(d) To locate by such means lost or stolen property.

(e) To give advice or information concerning any matter or event.

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

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

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

Section 20. Vagrancy.

(1) No person shall be a vagrant as that term is defined in subsection (2) of this section.

(2) "Vagrant" shall mean:

(a) Every person without visible means of livelihood who has the physical ability to work and who does not for the space of 10 days.

seek employment nor labor when employment is offered to him.

(b) Every beggar

(c) Every idle person, dissolute person, or associate of known thieves who wanders about the streets or highways at late or unusual hours of the night, or who lodges in any place other than such as is kept for lodging purposes, without the permission of the owner or party entitled to the possession thereof.

(d) Every lewd or dissolute person who lives in or about a disorderly house, as defined in this ordinance.

(e) Every prostitute.

(f) Every person who is not enrolled as a student or who is not employed by the public or private school and who, without a lawful purpose therefor, wilfully loiters about any public or private school building or the public premises adjacent thereto.

(g) Every person upon whom or in whose possession shall be found any implement that is usually employed, or that reasonably may be inferred to have been designed to be employed, in the commission of any felony, misdemeanor, or ordinance violation and who fails to account satisfactorily for the possession of the same.

(h) Every person who keeps or maintains a place or establishment where lost or stolen property is concealed.

(i) Every person who conducts himself in a disorderly manner, as defined by Section 3 of this ordinance.

(j) Every person who is classified by the common law as a vagrant, whether included in the foregoing classification or not.

Section 21. Trespass. No person shall wrongfully go or trespass upon any real or personal property belonging to another.

Section 22. Larceny. No person shall commit larceny as that act is now or hereafter defined in ORS Chapter 164.

Section 23. Destruction of Official Notices and Signs. No person, without proper authority, shall wilfully deface, alter, remove, or tear down any official notice or bulletin, or any official sign, signal, or barricade posted or placed in conformity with the law.

Section 24. Injury to or Removal of Property.

(1) No person, without proper authority, shall cut, remove, deface or in any manner injure or damage real or personal property of the city within or without the corporate limits.

(2) No person shall, without proper authority, wilfully deface, injure, tamper with, break, or destroy any property, real or personal, belonging to or under the control of another.

Section 25. Taking, Retention, or Mutilation of Public Records.

(1) No person, without proper authority, shall take or remove any public record, document, book, paper, or personal property of any kind owned by the city.

(2) No person, without proper authority, shall mutilate or destroy any public record, document, book, or paper on file or kept on record in any public office of the city.

(3) No person shall retain any public record, document, book, or paper after lawful demand has been made for the return thereof.

OFFENSES AGAINST THE PUBLIC HEALTH

Section 26. Expectoration. No person shall expectorate upon any public sidewalk or on or in any public building except in receptacles provided for that purpose.

OFFENSES AFFECTING MINORS

Section 27. Minors Generally.

(1) No person shall employ a minor in or about a cardroom, poolroom, or shooting gallery.

(2) No minor shall loiter in or about a poolroom, billiard room, or cardroom. No person operating or assisting in the operation of such a place may permit a minor to loiter therein or permit such minor to engage in any game of cards billiards, pool, dice, pinball, darts, games of like character, or games of chance either for amusement or otherwise.

(3) No person shall sell, barter, trade, give, or in any manner furnish to a person under the age of 18 years for his consumption, cigars, cigarettes, or tobacco in any form or any compound in which tobacco forms a component part.

(4) No person under the age of 18 years may smoke, use, or possess a cigar, cigarette, or tobacco in any form in any public place.

(5) No person may falsely represent his age in order to obtain cigars, cigarettes, or tobacco, or in order to engage in games or loiter in places proscribed by subsections (2) of this section.

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

Sections 28 through 50 reserved for expansion.

PENALTIES

Section 51. Penalties. Violation of this ordinance shall constitute a misdemeanor.

Section 52. Working Prisoners. In any conviction for violation of this ordinance or any other ordinance of the city where the penalty fixed by the court is confinement in the city jail for any term, the court additionally may order that such convicted person, during the term of imprisonment, labor upon the streets or public works of the city under the direction of the property authorities.

GENERAL

Section 53. Separate violations. Each violation of a provision of this ordinance shall constitute a separate offense.

Section 54. 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 55. Emergency Clause. Inasmuch as the provisions of this ordinance are necessary for the immediate preservation of the peace, health and safety of the people of the City of Lebanon, an emergency is hereby declared to exist, and this ordinance shall be in force and effect immediately upon its passage by the Council and approval by the Mayor.

Passed by the council and approved by the mayor this 19th day of December, 1967


Mayor

ATTEST


City Recorder