

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

ORDINANCE BILL NO. 34
for 1980
ORDINANCE NO. 1800

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

Section 1. Ordinances No. 1123, 1218, 1219, 1221, 1236, 1280, 1288, and 1289 as amended are hereby repealed.

Section 2. 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 18, 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.

Section 3. The following provisions of Oregon Revised Statutes, together with any future amendments thereto, are incorporated by reference into this ordinance as though fully set forth herein, and any violation or failure to comply with such provisions shall be a violation of this ordinance:

- ORS 162.075 "False swearing"
- ORS 162.085 "Unsworn falsification"
- ORS 162.145 "Escape in the third degree"
- ORS 162.195 "Failure to appear in the second degree"
- ORS 162.235 "Obstructing governmental administration"
- ORS 162.245 "Refusing to assist a police officer"
- ORS 162.255 "Refusing to assist in firefighting operations"
- ORS 162.305 "Tampering with public records"
- ORS 162.315 "Resisting arrest"
- ORS 162.355 "Simulating legal process"
- ORS 162.365 "Criminal impersonation"
- ORS 162.375 "Initiating a false report"
- ORS 163.160 "Assault in the fourth degree"

ORS 163.190 "Menacing"
 ORS 163.195 "Recklessly endangering another person"
 ORS 163.200 "Criminal mistreatment in the second degree"
 ORS 163.415 "Sexual abuse in the second degree"
 ORS 163.435 "Contributing to the sexual delinquency of a minor"
 ORS 163.445 "Sexual misconduct"
 ORS 163.455 "Accosting for deviate purposes"
 ORS 163.465 "Public indecency"
 ORS 163.545 "Child neglect"
 ORS 164.045 "Theft in the second degree"
 ORS 164.125 "Theft of services"
 ORS 164.140 "Criminal possession of rented or leased personal property"
 ORS 164.235 "Possession of burglar's tools"
 ORS 164.243 "Criminal trespass in the second degree by a guest"
 ORS 164.245 "Criminal trespass in the second degree"
 ORS 164.255 "Criminal trespass in the first degree"
 ORS 164.265 "Criminal trespass while in possession of firearm"
 ORS 164.335 "Reckless burning"
 ORS 164.345 "Criminal mischief in the third degree"
 ORS 164.354 "Criminal mischief in the second degree"
 ORS 164.805 "Offensive littering"
 ORS 165.007 "Forgery in the second degree"
 ORS 165.017 "Criminal possession of a forged instrument
 in the second degree"
 ORS 165.055 "Fraudulent use of a credit card"
 ORS 165.065 "Negotiating a bad check"
 ORS 165.080 "Falsifying business records"
 ORS 165.107 "Failing to maintain a metal purchase order"
 ORS 165.109 "Failing to maintain a cedar purchase order"
 ORS 165.805 "Misrepresentation of age by a minor"
 ORS 166.065 "Harassment"
 ORS 166.075 "Abuse of venerated objects"
 ORS 166.085 "Abuse of corpse"
 ORS 166.095 "Misconduct with emergency telephone calls"
 ORS 167.007 "Prostitution"
 ORS 167.117 through 167.162 "Gambling offenses"
 ORS 167.810 "Creating a hazard"
 ORS 475.992 "Controlled substances - marijuana, less than one ounce"

There are also hereby incorporated by reference, any definitions, sections, or provisions of Oregon Revised Statutes Chapters 161, 162, 163, 164, 165, 167, and 475, or any future amendments thereto, which reasonably apply to the statutes incorporated hereinabove.

Sections 4 - 8 (Reserved for expansion).

Section 9. Unattended Children. Upon finding a child confined in violation of ORS 163.545 a police officer or other peace officer may enter the vehicle or place and remove said child. The officer may use such force as may be necessary to effect an entrance to the vehicle or place where such child may be confined in order to remove the child.

Section 10. Contraband to Jail. 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.

Section 11. Social Games. Social games are permitted in private clubs and places of accommodation as allowed in ORS 167.121.

Section 12. Bingo or Lotto. Bingo or Lotto is authorized as allowed in ORS 465.100.

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, or, illegal gambling, 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, and shall, upon learning of its use, immediately take appropriate action to lawfully evict the occupants thereof.

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

Section 14. (Reserved for expansion)

Section 15. City Parks and Recreation Areas. No person shall, within any City park or recreation area or other public open space or way:

- (1) Build, light, or maintain any fire except in a stove, pit, or fireplace especially designated for such purpose. However, portable gas, gasoline, charcoal, and oil lamp stoves may be used within said park if in a safe operating condition;
- (2) Pick, mutilate, dig or remove any plant, living or dead, or deface, mutilate, burn, destroy or define any tree or plant within the limits of such areas;
- (3) Alter, deface, mutilate, or destroy any trail, road, parking lot, bridge, fence, building, sign, barrier, or other facility or structure;
- (4) Dig up or remove any soil, stones, rocks, or other substances whatever, without permission from the Council or their designate;
- (5) Dump household or commercial garbage or debris brought from lands outside the park or recreational area;
- (6) Drink or consume distilled spirits as defined in the Oregon Distilled Liquor Control Act;
- (7) Park any truck, trailer, or other vehicle in any area other than an area specifically designated for such purposes;
- (8) Drive a vehicle at a speed greater than is posted;
- (9) Keep or permit in such area a dog or other animal, unless kept in a vehicle or on a leash;
- (10) Deposit any rubbish, garbage, glass or other litter except in receptacles designated for that purpose;
- (11) Camp overnight, either in a tent, trailer, truck, mounted camper, or motor vehicle, except in areas specifically designated; in such designated camping areas residence shall be limited to forty-eight (48) consecutive hours in any park without special permission of the Lebanon City Council or their designate.

Section 16. Concealed Weapons. No person other than an authorized peace officer or person licensed pursuant to ORS 166.260, as now or hereafter amended, shall carry concealed on or about his person or within any vehicle, any revolver, pistol, other firearms, knife, other than an ordinary pocketknife with a blade less than three and one-half inches (3 1/2") long, dirk, dagger, nunchaku sticks, stiletto, metal knuckles, or other weapon, the use of which could inflict injury upon a person or property.

Section 17. 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, except in an approved firing range.

(2) The provisions of this section shall not be construed to prohibit the firing or discharging of a weapon by any person in the defense or protection of his person or family.

Section 18 through 30 - (Reserved for expansion).

Section 31. Offenses, Attempt to Commit. Any attempt to commit any of the offenses mentioned in this or any other ordinance of the City shall be defined and punished as provided in ORS 161.405, incorporated herein by reference as though fully set forth herein.

Section 32. Penalties. The State Statutes which have been incorporated by reference into this ordinance contain designations as either Class A Misdemeanors, Class B Misdemeanors, Class C Misdemeanors, or Violations. The maximum penalty for each offense so designated shall be as set forth in ORS 161.615 and ORS 161.635. Any other offense in this ordinance, or in any other ordinance of the City, which does not contain such a designation, shall be punished as a Class C Misdemeanor.

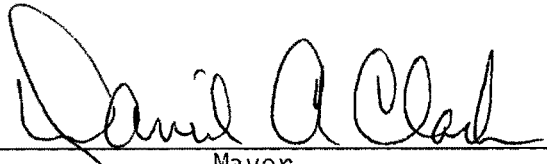
Section 33. Working Prisoners. In any conviction for violation of this ordinance or any other ordinance of the City where the penalty fixed by the Court is confinement in the City Jail for any term, the Court additionally may order that such convicted person, during the term of imprisonment, labor upon the streets or public works of the City under the direction of the proper authorities.

Section 34. Separate Violations. Each violation of a provision of this ordinance shall constitute a separate offense.

Section 35. 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 section or subsection.

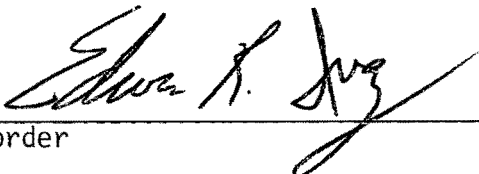
Section 36. Emergency. It is necessary for the health, safety, comfort and convenience of the people of the City of Lebanon that this ordinance have immediate effect. Therefore, an emergency is hereby declared to exist and this ordinance shall be in full force and effect upon its passage and approval.

Passed by the Council of the City of Lebanon by a vote of 6 for and 0 against and approved by the Mayor this 13th day of August, 1980.



Mayor

ATTEST:



Recorder