

## ORDINANCE NO. 535

## AN ORDINANCE DEFINING OFFENSES AND PROVIDING A PENALTY.

The city of Sherwood, Oregon, does ordain as follows:

Definitions

Section 1. Definitions. As used in this ordinance, the singular includes the plural and the masculine includes the feminine, and except where the context indicates otherwise, the following shall mean:

- (1) City. The city of Sherwood.
- (2) Council. The city council of the city.
- (3) Minor. Any person under the age of 21 years, except as otherwise provided.
- (4) Person. Every natural person, firm, partnership, association or corporation.
- (5) Public place. Any building, street, 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 or abetting in any rude, indecent, riotous, drunken or violent conduct.
  - (b) Using any obscene, profane or abusive language in any public place.
  - (c) Committing any obscene, indecent or immoral act in any public place.
  - (d) Inciting any other person to commit any breach of the peace.
- (2) No person shall knowingly permit any disorderly conduct on 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 acts committed within such assembly or so near the same as to disturb the order of the meeting.

Section 5. Using Premises to Promote Crime. No person shall use any premises as a place for planning or promoting crime, vandalism or violation of any city ordinance. No person having the possession and control of any premises shall permit such property to be used for the planning or promoting of crime, vandalism or violation of any city ordinance.

Section 6. Chief of Police to Close Such Premises. It shall be the duty of the chief of police to close up any premises when such premises shall have been found by him to be a place where the person having the possession or control of such premises allows anything prohibited by Section 5 of this ordinance; provided, that any person aggrieved by such act of the chief of police shall have a right of appeal to the council at any time within 10 days after the closing of such premises. Such right of appeal shall be exercised by filing within said time with the city recorder a written notice of appeal signed by him and stating the grounds of appeal. Such grounds of appeal shall constitute the issue to be determined by said council. A copy of such notice of appeal shall be delivered to the chief of police prior to being filed and the person serving the same shall endorse on the original a certificate that such service has been made. Such notice of appeal shall have the effect of staying, pending such appeal, the act of the chief of police in the closing of such premises. The closing of any such premises shall not deprive the owner of the equipment there located from removing the same, nor deprive the owner of the premises of the right to immediately rent said premises for lawful use.

#### Offenses Against the Public Safety

Section 7. 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 or other firearm, or any knife, other than an ordinary pocket knife with a blade three inches or less, or any dirk, dagger, stiletto, metal knuckles or any other dangerous weapon by the use of which injury could be inflicted upon person or property.

#### Section 8. Discharge of Weapons.

(1) No person other than an authorized peace officer shall fire or discharge any gun or other weapon, including spring or air actuated pellet guns, or weapon which propels a projectile by use of a bow or sling, explosives, or jet or rocket propulsion.

(2) The provisions of this section shall not be construed to prohibit the firing or discharging of any weapon:

(a) By any person in the defense or protection of his property;

person or family.

(b) At any place duly licensed or designated or commonly used for target practice.

Section 9. Escape of Prisoners from Custody.

(1) No person shall aid or attempt to aid in the escape of a confined prisoner or make available or provide 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 shall, while in custody or while a prisoner in the city jail or in any other place where city prisoners are kept or confined, escape or attempt to escape from such custody or confinement.

Section 10. Interference with Police.

(1) No person shall hinder, delay, obstruct or 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 offer or endeavor to assist any person in the custody of a police officer or a person duly empowered with police authority to escape or attempt to escape from such custody.

(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 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.

(6) 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 crime.

Section 11. Narcotics and Barbiturates. No person shall, without proper authority, sell, use or possess for any purpose whatsoever any narcotic drug or barbiturate.

Section 12. Obstructing Passageways.

(1) No person shall, except as otherwise permitted by ordinance, obstruct, cause to be obstructed or assist in obstructing pedestrian or vehicular traffic on any sidewalk or street by the deposit or storage thereon of personal property.

(2) The provisions of this section shall not apply to the delivery of merchandise or equipment, provided that no person shall permit such

merchandise or equipment to remain on any street or sidewalk beyond a reasonable time.

(3) No person shall, from sunset to sunrise, permit any merchandise, equipment, or other obstruction to remain on any street or sidewalk unless a warning light or lights are placed by such obstruction in such a position as to be clearly visible for a distance of at least 200 feet both ways. Provided, however, that such obstructions will be allowed only upon express authorization obtained from the chief of police when such obstruction will not unduly hinder or impede traffic.

(4) No person shall use any street or sidewalk or any portion thereof for selling, storing or displaying merchandise or equipment except as may otherwise be provided by ordinance.

(5) No unauthorized person shall deposit any earth, gravel or debris upon any street or sidewalk.

#### Section 13. Sidewalks.

(1) No person or group of persons shall so gather or stand upon any sidewalk or public pathway as to prevent, impede or obstruct the free passage of pedestrian traffic.

(2) No person or persons shall fail or refuse to move on or to disperse when lawfully ordered to do so by any police officer.

(3) No person shall obstruct any entrance to any building or loiter unnecessarily about or near any entrance, stairway or hall leading to any building.

(4) No person shall keep or leave open any cellar door or grating of any kind located in or upon any sidewalk except when the same is necessarily open during the immediate use thereof, and when being used such opening shall be properly guarded and protected.

(5) No person shall lead, ride, tie or fasten any goat, horse, cow, sheep, swine or similar animal in such a manner as to permit it to remain on or go along any parking strip, sidewalk area or public pathway.

### Offenses Involving Morals

#### Section 14. Animals.

(1) No person shall torture, abandon, mutilate or needlessly kill any animal or bird; nor shall any person transport or permit to be transported any animal in a cruel and inhumane manner.

(2) No person shall fail to provide any animal in his custody with food, drink and protection from the elements.

(3) No person shall place or distribute any poison or other substance with the intent of poisoning any animal, except those animals commonly recognized as pests or rodents.

Section 15. 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 16. Selling or Pledging Property of Drunks. No pawnbroker, junk dealer, chattel loan broker, or any other person shall purchase property from any person who is in an intoxicated condition or under the influence of any narcotic drug, or advance or loan money to such person or have any dealings with any such person respecting the title of property.

Section 17. Purchases of Property from Minors. No person shall purchase any property or article of value from any minor or have any dealings respecting the title of any property in the possession of any minor without the written consent of the parent or guardian of such minor.

Section 18. 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" shall mean 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 narcotic drugs or barbiturates contrary to law.

(3) No person shall knowingly visit or frequent any disorderly house.

(4) No person shall knowingly lease any building under his control for the purpose of permitting the establishment 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 19. Gambling.

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

(2) The term "gambling" shall mean the use or possession of any game, machine or device, whether played for money, check, credit or other representative of value in which the element of chance is controlling, and all machines and contests 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.

Section 20. 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 of the material:
  - (a) Import, print, publish, sell, lend, give, distribute or 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) Draw, write or otherwise deface the interior or exterior walls, doors or windows of any building used by the public with any obscene or immoral writing, printed matter, paper, picture, drawing or photograph.
  - (c) Permit any obscene or lewd or immoral writing, printed matter, paper, picture or photograph to remain on any interior or exterior wall of any building, street, sidewalk, or other structure viewed or used by the public which is under his control or supervision.
  - (d) 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 or creek or in any public natatorium or swimming pool where such facilities are simultaneously used by both sexes, without wearing suitable bathing attire. "Suitable bathing attire" shall mean that attire which is generally used, recognized and accepted by the public and which is not offensive to public morals and which does not expose the bather or swimmer indecently.
- (6) No person shall make improper advances or indecent remarks to another person. No male person shall 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 night club 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 provisions of this subsection. Provided, however, that this section shall not apply to female persons regularly employed as barmaids and waitresses.

(8) Except for the lawful occupant of property, no person shall look into or loiter around or within view of any window or door of an occupied residence with the intent of invading the privacy of another.

#### Section 21. Prostitution.

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

(2) No woman 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 shall be competent evidence.

#### Section 22. Defrauding of Innkeepers.

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

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

#### Section 23. Lodging Accommodations.

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

(2) No proprietor, manager or other person in charge of a hotel, lodginghouse, rooming house or other place where transients are accommodated shall:

(a) Rent or assign rooms for joint and private occupancy by persons of the opposite sex unless such persons shall be registered as husband and wife, or as parent and minor child.

(b) Rent or assign rooms for joint and private occupancy by persons of the opposite sex 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 24. 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 subsection (2) of this section.

(2) The term "occult art" means the use or practice of fortune-telling, astrology, phrenology, palmistry, clairvoyance, mesmerism, spiritualism or to conduct any spiritualistic readings or exhibitions of any character, provided, however, this section shall not prohibit any person from conducting or carrying on any of the above-mentioned arts, if duly licensed so to do under any ordinance of the city.

#### Section 25. Vagrancy.

(1) Any 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 him.

(b) Every beggar who solicits alms as a business.

(c) Every idle or 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 by this ordinance.

(e) Every prostitute.

(f) 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 shall fail to account satisfactorily for the possession of the same.

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

(h) Any 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, or who conducts himself in a violent, riotous or disorderly manner, or uses any abusive or obscene language in any street, or highway, house or place whereby the peace and quiet of the neighborhood or vicinity may be disturbed.

#### Offenses Against Property

Section 26. Trespass. No person shall wrongfully go or trespass upon any real or personal property belonging to the city or any person within the city.

Section 27. Property, Larceny of. No person shall take the personal property of another without the owner's consent.

Section 28. Destruction of Official Notices and Signs. No unauthorized person shall deface, alter, remove or tear down any official notice or bulletin or any official sign or signal posted or placed in conformity with the laws.

Section 29. Removal of Barricades. No person shall remove, alter or damage any danger notice or barricade erected or maintained by authority of the city in, around, across or along any sidewalk or roadway. For the purposes of this section any danger sign or barricade lawfully erected by a contractor in connection with the work of paving or improving any sidewalk or roadway under contract with the city for such improvement shall be deemed to be erected by authority of the city.

Section 30. Protection of Asphalt. No person shall spill or permit to be spilled or otherwise to come in contact with any pavement composed wholly or in part of asphalt or similar substance, any liquid petroleum product, acid, or other liquid substance that may, if deposited on such pavement, tend to disintegrate or injure the same.

Section 31. Travel Over New Street Improvements. No person shall walk or ride or cause a vehicle to be operated, or cast any object, along or upon any pavement, walk, curb or other surface of any hard surface street improvement within the city before that portion of pavement, walk, curb or other surface has been opened for public travel by the city, or before said pavement, walk, curbing or other surface has had time to set or harden, or within four weeks after the laying or construction of such pavement, walk, curbing or other surface.

Section 32. Injury to or Removal of Property.

(1) No person shall wilfully or negligently 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 wilfully or negligently cut, destroy, remove or injure any plant, flower, shrub, tree or bush growing upon any property owned or controlled by the city within or without the corporate limits.

(3) No person shall deface, injure, tamper with or wilfully break or destroy any property, real or personal, belonging to or under the control of another.

Section 33. Taking, Retention or Mutilation of Public Records.

(1) No person shall without proper authority 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 34. Stench Bombs. No person other than a peace officer acting in line of duty shall in any manner deposit upon the person or property of another any liquid, gaseous or solid substance which is injurious to person or property. No person shall attempt or aid in the attempt or commission of any such prohibited act.

Section 35. Expectoration. No person shall expectorate upon any sidewalk or street or on or in any public building or public place except in receptacles provided for that purpose.

Section 36. Children Confined in Vehicles. No person who has under his control or guidance any minor child under eight years of age shall at any time lock or confine, or permit to be locked or confined, or leave unattended, such child in any automobile, stage, coach, bus or other vehicle or place upon the streets, alleys or ways for a period of time longer than 30 minutes. It shall be lawful and the duty of any policeman or other peace officer, finding a child or children confined in violation of the terms of this ordinance, to enter such automobile, stage, coach, bus or other vehicle and remove such child, such officer having the right, if necessary, to break the doors or windows of such vehicle in order to save the life of such child or to save such child from great mental or physical suffering.

Section 37. Minors, Employment in Certain Places. No person shall employ a minor in or about any cardroom, poolroom, billiard room, shooting gallery or dance hall.

Section 38. Minors, Delivery of Medicine Samples to. No person shall distribute or give away samples of any medicine or drug unless the same be manually delivered to an adult person or mailed to an adult person through the United States mails.

Section 39. Minors, Visiting Pool Halls. No minor shall enter, visit or loiter in or about any poolroom, billiard room or cardroom. No person operating or assisting in the operation of any pool hall, billiard hall or cardroom shall permit any minor to enter, visit or loiter about any such premises.

Section 40. Minors, Tobacco Sales to. No person shall directly or indirectly, or by any pretense or device, sell, offer or keep for sale, or exchange, barter, dispose of, or give to any person under the age of 18 years any cigarettes, cigarette papers, cigars, smoking tobacco or tobacco in any other form.

Section 41. Minors, Tobacco Consumption. No person under the age of 18 years shall use or consume any form of tobacco.

#### Penalties

Section 42. Penalties. Any person violating any of the provisions of this ordinance shall upon conviction thereof, be punished by imprisonment in the city or county jail for a period not to exceed 60 days, or by a fine not to exceed \$300.00, or both.

Section 43. Working Prisoners. In all cases of conviction for any of the offenses mentioned in this ordinance, where the penalty fixed by the court is confinement in the city or county 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.

#### General

Section 44. Extraterritorial Effect. All police and penal ordinances of the city enacted to protect property and preserve peace and order, including the penalties of fine and imprisonment, now or hereafter enacted and applicable within the city limits, shall apply with equal force and effect to all lands owned or controlled by the city located outside the boundaries

of the city and used for park purposes and the right to make arrests and serve process shall likewise apply.

Section 45. Fines, Payment Enforced. If any person shall neglect or refuse to pay any fine imposed upon conviction of a violation of this ordinance he shall be confined to the city or county jail one day for each \$5.00 of such fine.

Section 46. Separate Violations. Each day's violation of a provision of this ordinance is a separate offense.

Section 47. Severability. The sections and subsections of this ordinance are hereby declared severable. The invalidity of any one section or subsection shall not affect the validity of the remaining sections or subsections.

Passed by the council and approved by the mayor February 21, 1964.