

Chapter 5

PUBLIC PROTECTION

OFFENSES

5.000 Oregon Criminal Code Adopted.

(1) ORS, Chapters 161, 162, 163, 164, 165, 166, and 167, except for any provisions 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 ORS 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 sections 5.000 to 5.110.

(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 sections 5.000 to 5.110.

5.010 Drinking in Certain Public Places.

(1) It is unlawful for any person to drink or consume any alcoholic liquor or have in their possession any bottle, can or other receptacle containing any alcoholic liquor which has been opened, or a seal broken, or the contents of which have been partially removed, while in or upon any public street, alley, public boat landing, docks and other attendant facilities, school grounds or municipal buildings. However, the city council or its designee may permit the service and consumption of alcoholic liquors in any public place or within designated municipal buildings on such terms and conditions as the council may provide. Nothing in this section shall be deemed to prohibit drinking of alcoholic liquor in any establishment wherein the same may be sold for on-premises consumption under the laws of

the state, or when a permit has been granted by the city council.

(2) Drinking in certain public places is a violation and is punishable by a fine of not more than \$100.

5.015 Interfering in Emergencies.

(1) Whenever a threat to the public health or safety is created by any fire, explosion, accident, cave-in, or similar emergency, catastrophe or disaster, or by riot, presence of an armed person, hostage being held, or other disturbance, officers of the police, fire or public works departments may restrict or deny access to the area where such threat exists, for the duration of the threat, when the presence of a person in the area would constitute a danger to themselves, or when the officer reasonably believes that the presence of the person would substantially interfere with the performance of the police or other emergency services. Any person refusing to obey the direction of an officer who has denied or restricted access to the area where a threat exists may be found guilty of interfering in emergencies.

[Section 5.015(1) amended by Ordinance No. 1459, adopted August 28, 2000.]

(2) Interfering in emergencies is a class C misdemeanor.

5.020 Discharge of Weapons.

(1) No person other than a peace officer shall fire or discharge a gun or other weapon, including spring or air actuated pellet guns, air guns, BB guns, or other weapons which propel a projectile by use of gunpowder or other explosive or jet or rocket propulsion.

(2) No person may shoot a sling-shot, bow and arrow or an instrument of any similar type or throw a dagger, spear, stiletto

or an instrument of any other type.

(3) The provisions of this section shall not be construed to prohibit the firing or discharging of a weapon by any person in defense or protection of his property, person or family or at firing ranges approved in writing by the chief of police.

5.025 Fireworks.

The following sections of the Oregon Fireworks Law are adopted by reference and made a part of sections 5.000 to 5.110: ORS 480.110, 480.120, 480.130, 480.140(1), 480.150 and 480.170.

5.030 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 any other person.

5.035 Children Confined in Vehicles.

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

(2) It is 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.

5.040 Endangering Welfare of Minor.

(1) No person shall:

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

(b) Employ a person under eighteen years of age in or about a cardroom, poolroom, billiard parlor, or in any establishment at which any alcoholic liquor is sold for on-premises consumption.

(2) No person shall solicit, aid, abet, or cause a person under eighteen 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.

5.045 Places of Amusement.

(1) No person under eighteen 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 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.

5.050 Providing Liquor to Person Under Twenty-one. ORS

471.410(2) and (3) are adopted by this reference and made a part of sections 5.000 to 5.110.

5.055 Purchase or Possession of Liquor by Person Under Twenty-one. ORS 471.430 is

adopted by this reference and made a part of sections 5.000 to 5.110.

5.060 Providing Premises for the Consumption of Alcohol by Minors Prohibited. No person

who owns or is in control of a premises shall knowingly allow a minor to consume alcoholic liquor on the premises except as provided in section 5.050. Violation of this section is punishable as a Class A misdemeanor.

5.065 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.

5.070 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.

5.075 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.

5.080 Police and Fire Communications.

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 City radio communication system.

[Section 5.080 amended by Ordinance No. 1459, adopted August 28, 2000.]

5.085 Failure to Appear on Citation.

No person shall willfully fail to appear before the municipal court pursuant to a citation issued and served under authority of ORS 133.045 to 133.080, 133.110 and 156.050, and a complaint is filed.

5.090 Failure to Appear in the Second Degree.

(1) A person commits the crime of failure to appear in the second degree if, having by court order been released from custody upon a release agreement or security agreement or continued on release on his own recognizance upon the condition he will subsequently appear personally in connection with a charge against him of having committed a misdemeanor or viola-

tion, he intentionally fails to appear as required.

(2) Violation of this section is a Class A misdemeanor.

5.095 Soliciting to Violate Code.

No person shall solicit, employ or engage another, or confederate with another to violate a provision of sections 5.000 to 5.110.

5.100 Attempt to Commit Offense.

A person who attempts to commit any of the offenses mentioned in sections 5.000 to 5.110 or any other ordinance of the city, but who for any reason is prevented from consummating such act, shall be deemed guilty of an offense.

5.105 Indecent Conduct.

(1) It is unlawful for any person to masturbate, urinate, defecate or copulate in a public place or a premises open to the public, or in a place visible from a public place or premises open to the public.

(2) Violation of this section shall be a class A infraction.

5.110 Possession of Marijuana.

Any person who knowingly or intentionally is in unlawful possession of less than one avoirdupois ounce of the dried leaves, stems and flowers of the plant Cannabis family Moraceae is guilty of a violation, punishable by a fine of not less than \$500 and not more than \$1,000.

CURFEW FOR MINORS

5.150 Hours of Curfew.

(1) No minor under the age of eighteen years shall be in or upon any street,

park or other public place between the hours specified in this section, unless:

(a) The minor is accompanied by a parent, guardian or other person twenty-one years of age or over and authorized by the parent or by law to have such care and custody of the minor.

(b) The minor is engaged in a school activity or lawful employment that makes it necessary to be in or upon the street, park or other public place during the hours specified in this section.

(c) The minor is emancipated under ORS 109.550 to 109.565.

(2) For minors under the age of fourteen years who have not begun high school, the curfew is between 9:15 p.m. and 6:00 a.m. of the following morning, except that on any day immediately preceding a day for which no public school is scheduled in the city, the curfew is between 10:15 and 6:00 a.m. of the following morning. For children fourteen years of age or older who have begun high school, the curfew is between 10:15 p.m. and 6:00 a.m. of the following morning, except that on any day immediately preceding a day for which no public school is scheduled in the city, the curfew is between 12:00 midnight and 6:00 a.m. of the following morning.

5.155 Parental Responsibility.

No parent, guardian or person having the care and custody of a minor under the age of eighteen years shall allow such minor to be in or upon any street, highway, park, alley or other public place, except between the hours specified in section 5.150 and except as otherwise provided in that section. Violation of this section shall be deemed to be a class A infraction.

5.160 Custody of Minors Violating