

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**

**Curfew.** Any minor who violates section 5.150 shall be taken into custody as provided in ORS 419.569 and may be subjected to further proceedings as provided in ORS 419.472 through 419.597, 419.800 through 419.839 and 419.990(2).

## PROHIBITED TOUCHING

### 5.200 Designated.

A person commits the offense of prohibited touching if:

- (1) He engages in or agrees to engage in sexual contact in return for a fee; or
- (2) He pays or offers or agrees to pay a fee to engage in sexual contact.
- (3) As used in subsections (1) and (2) of this section, "sexual contact" means any touching of the sexual or other intimate parts of a person not married to the actor or causing such person to touch the sexual or other intimate parts of the actor for the purpose of arousing or gratifying the sexual desire of either party.

### 5.205 Promoting Prohibited Touching.

A person commits the offense of promoting prohibited touching if, with intent to promote prohibited touching, he knowingly:

- (1) Owns, controls, manages, supervises or otherwise maintains a place or enterprise where prohibited touching takes place; or
- (2) Induces or causes a person to engage in prohibited touching or remain in a place where prohibited touching takes place; or
- (3) Receives or agrees to receive money or other property, other than compensation for personally rendered prohibited touching services, pursuant to an agreement or understanding that the money or other property is derived from a prohibited touching

activity; or

- (4) Engages in any conduct that institutes, aids or facilitates an enterprise of prohibited touching.

### 5.210 Nudity in Massage.

(1) As used in this section, the following words shall have the meanings given to them in this section:

(a) Massage. Pressure on, friction against, stroking and kneading the body by manual or mechanical means, and gymnastics, with or without appliances such as vibrators, infrared heat, sunlamps and external baths for the purpose of maintaining good physical condition.

(b) Massage business. The operation of an establishment where massage is given.

(c) Nudity. Uncovered, or less than opaquely covered, post-pubertal human genitals, pubic areas, the post-pubertal human female breast below a point immediately above the top of the areola, or the covered human male genitals in a discernible turgid state. For the purposes of this definition, a female breast is considered uncovered if the nipple only or the nipple and the areola only are covered.

(d) Practice of massage. The performance of massage for compensation, either as the owner of or as an employee in a massage business.

(2) A person commits the offense of nudity in massage if:

(a) He appears in a state of nudity while engaged in the practice of massage; or

(b) He, as a principal, agent, officer or employee of a massage business, appears in a state of nudity in any portion of a massage establishment