

**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

where massage is given or where there is any patron of the establishment; or

(c) He, as a principal, agent, officer or employee of a massage business, causes, permits, aids or abets any violation of this section by any agent or employee of the massage business.

**5.215 Nuisances Declared.**

Any places where prohibited touching, promoting prohibited touching or nudity in massage is conducted or carried on as described in sections 5.200 to 5.210 is declared a nuisance and may be enjoined and abated as described in section 5.220.

**5.220 Nuisance--Suit in Equity.**

Whenever a nuisance exists under section 5.215, the city attorney may maintain a suit in equity in the name of the city perpetually enjoining such nuisance and for its abatement. Such suit may be brought regardless of whether any individuals have been convicted under the provisions of sections 1.205 to 1.255.

**DOGS**

**5.250 Definitions.**

As used in sections 5.250 to 5.340, the following words and phrases shall have the meanings ascribed to them in this section:

Owner of property. Any person who has legal or equitable interest in said real property or who has a possessory interest therein, or who resides on the property, or is a guest of any person who owns, rents, or leases said property.

Running at large. Off or outside the premises belonging to the person having the control, custody or possession of the dog while the dog is not under the complete control of such person by means of an ade-

quate leash, or is within a vehicle of such person.

Keeping a dog. Harboring, caring for, exercising control over, or knowingly permitting any dog to remain on the premises occupied by the person.

Dangerous dog. Any dog which bites any human being, dog, cat or livestock, or which chronically demonstrates menacing behavior toward human beings, dogs, cats or livestock. For purposes of this section, "menacing behavior" shall include, but not be limited to, baring of teeth, charging at a victim, growling in a threatening manner or approaching a victim within ten feet while barking.

Permit. For purposes of sections 5.250 to 5.340, conduct by the keeper of a dog which is intentional, deliberate, careless, inadvertent or negligent.

**5.255 Enforcement.**

It shall be the duty of the chief of police or any other designated police officer, or the dog control officer of the city to enforce the provisions of sections 5.250 to 5.340.

**5.260 Violations.**

It shall be a violation for a keeper of any dog to:

(1) Permit any such dog to run at large, as defined in section 5.250, upon any public street, highway or public place, or upon private property owned by a person or persons other than the keeper of the dog within the corporate limits of the city.

(2) Permit a dog to chase a vehicle or person.

(3) Permit a dog to scatter garbage.

(4) Permit a dog to damage or destroy property of persons other than the keeper of the dog.