

ORDINANCE BILL NO. 3 FOR 1983

ORDINANCE NO. 886

ORDINANCE DEFINING OFFENSES; PROVIDING PENALTIES; REPEALING ORDINANCES NO. 262, NO. 369, AND NO. 593; AND DECLARING AN EMERGENCY.

The City of Sweet Home does ordain as follows:

DEFINITIONS

Section 1. Definitions:

(1) As used in this ordinance, except where the context indicates otherwise, the following mean:

City. The city of Sweet Home.

Council. The city council of the city.

(2) As used in this ordinance, the singular includes the plural, the masculine includes the feminine, and the feminine includes the masculine.

(3) The definitions contained in Oregon Criminal Code of 1971, with all amendments thereto as now enacted or hereafter amended, are adopted by reference and made a part of this ordinance. Except where the context clearly indicates a different meaning, the general definitions and the definitions appearing in the definitional and other sections of particular articles of the Code shall be applicable throughout this ordinance.

OREGON CRIMINAL CODE

Section 2. Oregon Criminal Code Adopted. Violation of any provision of the Oregon Criminal Code of 1971, with all amendments thereto as now enacted or hereafter amended, shall constitute an offense against the city.

OFFENSES AFFECTING MINORS

Section 3. Curfew Hours for Minors.

ORS 419.710 and 419.720 are incorporated by reference into this ordinance, with all amendments thereto as now enacted or hereafter amended, and a violation or failure to comply with a provision of these statutes is an offense against the city.

Section 4. Alcoholic Liquors and Minors.

ORS 471.410 and 471.430 are incorporated by reference into this ordinance, with all amendments thereto as now enacted or hereafter amended, and a violation or failure to comply with a provision of these statutes is an offense against the city.

Section 5. Soliciting Delinquent Acts by a Minor. No person shall solicit, aid, abet, or cause a minor under the age of 18 years to:

(a) Violate a law of the United States or a state, or violate a city or county ordinance.

(b) Do an act which endangers the health, safety, or welfare of the minor or of another person.

(c) Run away or conceal himself from a person or institution having lawful custody of the minor.

Section 6. Children Confined in Vehicles. No person who has under his control or guidance a minor child under eight years of age shall at any time lock or confine, or permit to be locked or confined, or leave unattended, the child in an automobile, stage, coach, bus, or other vehicle, or place the child on the streets, alleys, or ways for a period of time longer than 30

minutes. A policeman or other peace officer, on finding a child confined in violation of the terms of this ordinance, may enter the automobile, stage, coach, bus or other vehicle and remove the child. The officer may, if necessary, break the doors or windows of the vehicle in order to save the life of the child or to save the child from great mental or physical suffering.

Section 7. Delivery of Medicine Samples to Minors. No person shall distribute or give away samples of a medicine or drug unless the sample is manually delivered to an adult person or mailed to an adult person through the United States mails.

Section 8. Interference with School Process and Students.

(1) No person shall be on school premises, and:

(a) Intentionally interfere with, obstruct, disrupt, or impede school functions or school-related functions conducted on school premises, or intentionally interfere with or obstruct the students attending the school.

(b) Provide or attempt to provide transportation to a student attending that school without having express permission from one of the following:

(1) Personnel authorized to give permission by the governing body of the school district.

(2) The governing body of the school district.

(3) The student's parent or legal guardian.

(c) Intentionally remain on school premises when directed to leave by an employe of the school district or a law

enforcement official, if the direction to leave is based on the person's conduct that reasonably appears to the employe or officer as conduct proscribed in subparts (a) or (b) above.

(2) No person shall intentionally cause a motor vehicle to be on the school premises during times that the school premises are being used for school functions or school related functions, unless the person has the permission of the personnel authorized to give permission by the governing body of the school.

Sections 9 and 10: Reserved for expansion.

OFFENSES AGAINST THE PUBLIC ORDER

Section 11. Police, Fire and Ambulance Communications. No person shall operate a generator or electromagnetic wave or cause a disturbance of a magnitude that interferes with the proper functioning of a police, fire department, or ambulance radio communication system.

Section 12. Deliveries to Prisoners. No person shall deliver, by any means, intoxicating liquor, dangerous drugs, narcotic drugs, or controlled substances, as defined by state law, to a person confined in the city detention facility, or attempt to convey or deliver any article to a person without the consent of the officer in charge.

Section 13. Interfering With, Tampering With or Polluting the Water System.

(1) No person, except as authorized by the water superintendent, shall tamper with, alter or injure any part of the city

pumping plant, machinery, distributing system or any meter.

(2) No person shall throw, place or deposit any article or substance in or near the city water supply system that may obstruct or render the water impure.

Section 14. Destruction of Official Notices and Signs, and Removal of Barricades.

(1) No unauthorized person shall deface or tear down an official notice or bulletin or an official sign or signal posted or placed in conformity with the law.

(2) No person shall remove, alter or damage a danger notice or barricade erected or maintained by authority of the city in, around, across or along a sidewalk or roadway. For the purposes of this section, a danger sign or barricade lawfully erected by a contractor in connection with the work of paving or improving a sidewalk or roadway under contract with the city for the improvement is deemed erected by authority of the city.

Section 15. Flying Model Aircraft. No person shall fly any model aircraft, by means of metal or other controls which will conduct electricity, in a manner that the aircraft flies within 100 feet of an electric power line or that at any point in the flight the model aircraft is closer to an electric power line than to the operator of the controls.

Section 16. Travel Over New Street Improvements. No person shall walk or ride or cause a vehicle to be operated, or cast any object along or on a pavement, walk, curb or other surface of a 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 the pavement, walk, curbing or other surface has set or hardened.

Section 17. Sidewalks.

(1) No owner or person in charge of property shall permit a cellar door or grating located in or on a sidewalk or public pathway to remain open except when necessarily open during the immediate use, and when being used, the opening shall be properly guarded and protected.

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

Sections 18 and 19: Reserved for expansion.

OFFENSES AGAINST THE PERSON

Section 20. Begging. No person shall accost another in a public place or in a place open to the public for the purpose of begging or soliciting alms.

Section 21. Prohibited Touching.

(1) No person shall pay a fee or receive a fee, directly or indirectly, for touching or offering to touch the sexual parts of another for the purpose of arousing or gratifying the sexual desire of either party.

(2) No person who manages or controls a place of business shall cause or permit an agent, employee or other person under his control or supervision to participate in conduct prohibited

in subsection (1).

Section 22. Violating Privacy of Another. No person shall enter onto 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 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 another person.

Section 23. Soliciting Drinks. No person shall frequent, loiter or be employed in a tavern, bar, night club or cocktail lounge for the purpose of soliciting a person to purchase drinks. No proprietor of such an establishment shall allow the presence in the establishment of a person who violates the provisions of this section. This section does not apply to persons regularly employed as bartenders, barmaids or waitresses.

Section 24. Assault. ORS 163.160 is incorporated by reference into this ordinance with all amendments thereto as now enacted or hereafter amended, and a violation or failure to comply with a provision of this statute is an offense against the city.

Section 25. Interfering With Police Officer. No person shall intentionally resist, delay or obstruct any city police officer in the discharge or attempt to discharge any duty of his office.

ANIMALS

Section 26. Poisoning of Animals. No person shall put out or place any poison where it is liable to be eaten by any horse,

cattle, sheep, hog, dog, or other domestic animal(s).

Section 27. Tampering with Animals Used for Law Enforcement Purposes. No person shall torture, torment, beat, kick, strike, choke, cut, stab, stone, shoot, mutilate, injure, disable, kill or tamper with any animal while it is being caged, kennelled, transported, exhibited, exercised, or used in discharging or attempting to discharge a lawful duty or function or power of office, by a police officer or his representative, for a police agency.

Section 28. Specific Acts of Cruelty to Animals and Animal Fighting. ORS 167.860 and ORS 167.865 are incorporated by reference into this ordinance with all amendments thereto as now enacted or hereafter amended, and a violation or failure to comply with a provision of these statutes is an offense against the city.

Section 29. Reserved for expansion.

FIRE CONTROL

Section 30. Kindling of Fires. No person shall kindle or maintain a bonfire or rubbish fire or authorize any such fire in the open air within the city without first obtaining a permit or other proper authorization from the chief of the fire department of the city.

Section 31. Obstruction of Fire Hydrants. No person shall place or maintain a bush, shrub, tree or other obstruction within eight feet of a fire hydrant upon property adjacent to a street upon which the fire hydrant is located.

Sections 32 and 33: Reserved for expansion.

OFFENSES AGAINST PROPERTY

Section 34. 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 by depositing or storing personal property on a sidewalk or street.

(2) The provisions of this section shall not apply to the delivery of merchandise or equipment, except that no person shall permit the merchandise or equipment to remain on a street or sidewalk beyond a reasonable time.

(3) No person shall, from sunset to sunrise, permit any

merchandise or equipment or other obstruction to remain on a street or sidewalk. However, if by the very nature of the obstruction, it cannot be removed by sunset, a warning light or lights shall be placed by the obstruction in a position as to be clearly visible for a distance of at least 200 feet both ways.

(4) No person shall use any portion of a street or sidewalk for selling, storing, or displaying merchandise or equipment without the express written permission of the police department. Sections 35 and 36: Reserved for expansion.

FIREWORKS AND WEAPONS

Section 37. Fireworks. The following sections of the Oregon Fireworks Law, together with all acts and amendments applicable to cities which are now or hereafter enacted, are adopted by reference and made a part of this ordinance:

ORS 480.110	ORS 480.140(1)
ORS 480.120	ORS 480.150
ORS 480.130	ORS 480.170

Section 38. Sale or Gift of Explosives and Firearms to Children. ORS 166.480 is incorporated by reference into this ordinance, with all amendments thereto as now enacted or hereafter amended, and a violation or failure to comply with a provision of this statute is an offense against the city.

Section 39. Discharge of Weapons.

(1) No person, other than an authorized peace officer, or animal control officer in the performance of his duties, shall fire or discharge a gun, including a spring- or air-activated gun or other weapon that propels a projectile by use of a bow or sling, explosives, or jet or rocket propulsion within city limits.

(2) This section does not prohibit the firing or discharging of a weapon:

(a) By a person in the defense or protection of his property, person or family in accordance with state law.

(b) At a place authorized by council.

Section 40. Concealed or Unlawful Possession of Weapon.

ORS 166.240 and 166.250 are incorporated by reference into this ordinance, with all amendments thereto as now enacted or hereafter amended, and a violation or failure to comply with a provision of these statutes is an offense against the city.

Section 41. Manufacturing, Selling, Conveying or Possession of Slugging or Stabbing Weapons.

ORS 166.510 is incorporated by reference into this ordinance, with all amendments thereto as now enacted or hereafter amended, and a violation or failure to comply with a provision of this statute is an offense against the city.

Section 42. Confiscation and Destruction. ORS 166.280 is incorporated by reference into this ordinance, with all amendments thereto as now enacted or hereafter amended.

Section 43. Bows and Cross Bows. No person shall carry a loaded bow or cross-bow or discharge a bow or cross-bow in the city. This section does not apply to toys or to areas designated by the city for the use of bows or cross-bows.

Section 44. Slingshots, Flippers and Air Guns. No person shall:

(1) Carry or possess a slingshot, flipper or air gun or

similar device equipped to fire a missile without the use of black or smokeless powder, between the hours of sunset and sunrise, while on or within the streets, alleys, sidewalks, parks or other public property of the city.

(2) Shoot, discharge or otherwise use a device specified in subsection (1) for the purpose of propelling or throwing a shot, stone or other missile within the city.

Sections 45 and 46: Reserved for expansion.

CONTROLLED SUBSTANCES

Section 47. Delivery and Possession of Controlled Substances.

ORS 475.991 and 475.992 are incorporated by reference into this ordinance, with all amendments thereto as now enacted or hereafter amended, and a violation or failure to comply with a provision of these statutes is an offense against the city.

Sections 48 and 49: Reserved for expansion.

PENALTIES

Section 50. Penalties:

(1) Violations of Oregon Revised Statutes made offenses against the city are punishable to the same extent provided in the statutes.

(2) Violations of Sections 6, 8, 11, 14, 15, 16, 17, 20, 25, 30, 31, 34, 39, 43 and 44 of this Ordinance is punishable by a fine not to exceed \$200.00.

(3) A violation of any other provision of this ordinance is punishable by imprisonment in jail not to exceed 30 days or a fine not to exceed \$500.00, or both.

Sections 51 and 52: Reserved for expansion.

GENERAL

Section 53. Extraterritorial Effect. All police and penal ordinances of the city enacted to protect property and preserve peace and order, including penalties of fine and imprisonment, now or hereafter enacted and applicable within the city limits, apply with equal effect to all lands owned or controlled by the city located outside the boundaries of the city; and the right to make arrests and serve process shall likewise apply.

Section 54. Repealing Conflicting Ordinances. Ordinances No. 262, No. 369 and No. 593 and all other ordinances and parts of ordinances in conflict with this ordinance are repealed.

Section 55. Soliciting or Confederating to Violate Ordinance Provisions. No person shall solicit, aid, abet, employ or engage another or confederate with another to violate a provision of this or any other ordinance of the city. Violation of this section shall be treated as a violation of the applicable ordinance provision.

Section 56. Saving Clause. Ordinances No. 262, No. 369 and No. 593, repealed by this ordinance, remain in force to authorize the arrest, prosecution, conviction and punishment of a person who violated Ordinances No. 262, 369 and No. 593 prior to the effective date of this ordinance.

Section 57. Severability. The sections and subsections of this ordinance are severable. The invalidity of a section, subsection or part thereof shall not affect the validity of the remaining

section(s) or subsection(s).

Section 58. Emergency Clause. It is hereby adjudged and declared that existing conditions are such that this ordinance is necessary for the immediate preservation of public peace, health, and safety and owing to the urgent necessity, an emergency is hereby declared to exist; and this ordinance shall take effect and be in full force and effect from and after its passage and approval by the mayor.

PASSED by the Council and approved by the mayor, this 22nd day of March, 1983.



Mayor

ATTEST:



City Manager