

TITLE XIII: GENERAL OFFENSES

Chapter

130. GENERAL PROVISIONS

131. OFFENSES AGAINST PUBLIC PEACE AND SAFETY

132. OFFENSES AGAINST PUBLIC MORALS

133. OFFENSES AGAINST PROPERTY

134. OFFENSES RELATED TO MINORS

135. DRUG AND ALCOHOL OFFENSES

CHAPTER 130: GENERAL PROVISIONS

Section

130.01 Adoption of state criminal code

130.02 Offenses outside city limits

130.03 Nuisance abatement reserved

§ 130.01 ADOPTION OF STATE CRIMINAL CODE.

(A) O.R.S. Chs. 161, 162, 163, 164, 165, 166, and 167, except for any provision 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.

(B) The provisions of O.R.S. Ch. 161 relating to defenses, burdens of proof, general principles of criminal liability, parties, and general principles of justification apply to offenses defined and made punishable by this title.

(C) Except where the context clearly indicates a different meaning, definitions appearing in the general definitional and other particular sections of chapters adopted by subsection (A) are applicable throughout this title.

(Ord. 253, passed 12-8-92) Penalty, see § 10.99

§ 130.02 OFFENSES OUTSIDE CITY LIMITS.

If permitted by state law, an act made unlawful by this title constitutes an offense when committed on property owned or leased by the city that is outside the corporate limits of the city.

(Ord. 253, passed 12-8-92)

§ 130.03 NUISANCE ABATEMENT RESERVED.

No provision in this title shall preclude abatement of a nuisance as provided in the general nuisance ordinance of the city.

(Ord. 253, passed 12-8-92)

Cross-reference:

Nuisances, see Ch. 93

CHAPTER 131: OFFENSES AGAINST PUBLIC PEACE AND SAFETY

Section

- 131.01 Disorderly conduct at fires
- 131.02 Noise
- 131.03 Discharge of weapons
- 131.04 Fireworks
- 131.05 Resisting arrest
- 131.06 Interference with police and fire communications
- 131.07 Obstruction of building entrances
- 131.08 Open cellar doors or grates
- 131.09 Obstruction of fire hydrant
- 131.10 Vending of goods
- 131.11 Begging
- 131.12 Lodging

Cross-reference:

Nuisances, see Ch. 93

§ 131.01 DISORDERLY CONDUCT AT FIRES.

No person at or near a fire shall obstruct or impede fighting of the fire, interfere with Fire Department personnel or Fire Department apparatus, behave in a disorderly manner, or refuse to observe promptly an order of a member of the Fire or Police Department.
(Ord. 253, passed 12-8-92) Penalty, see § 10.99

§ 131.02 NOISE.

No person shall create or assist in creating or permit the continuance of unreasonable noise in the city. The following enumeration of violations of this section is not exclusive but is illustrative of some unreasonable noises:

(A) Keeping an animal that by loud and frequent or continued noise disturbs the comfort and repose of a person in the vicinity;

(B) Using an engine, thing, or device that is so loaded, out of repair, or operated in such a manner as to create a loud or unnecessary grating, grinding, rattling, or other noise;

(C) Using a mechanical device operated by compressed air, steam, or otherwise, unless the noise created by it is effectively muffled;

(D) Construction, excavation, demolition, alteration, or repair of a building between the hours of 8:00 p.m. and 7:00 a.m., except by special permit granted by the city;

General Provisions

(E) Using or operating an automatic or electric piano, phonograph, loudspeaker, or sound-amplifying device so loudly that it disturbs persons in its vicinity, or in a manner that makes it a public nuisance. However, on application to the Council, permits may be granted to broadcast music, news, speeches, or general entertainment.

(Ord. 253, passed 12-8-92) Penalty, see § 10.99

Cross-reference:

Nuisance dogs, see § 90.26

§ 131.03 DISCHARGE OF WEAPONS.

Except at a firing range approved by the Council, no person other than a peace officer shall fire or discharge a gun, including a spring- or airactuated pellet gun, air gun, BB gun, or other weapon that propels a projectile.

(Ord. 253, passed 12-8-92) Penalty, see § 10.99

§ 131.04 FIREWORKS.

The provisions of O.R.S. 480.110 through 480.160, the Oregon Fireworks Law, are adopted by reference and made a part of this chapter.

(Ord. 253, passed 12-8-92) Penalty, see § 10.99

§ 131.05 RESISTING ARREST.

(A) No person shall intentionally resist a person known by the person to be a peace officer in making an arrest.

(B) ***RESIST*** as used in this section means the use or threatened use of violence, physical force, or any other means that creates a substantial risk of physical injury to any person and includes behavior clearly intended to prevent being taken into custody or overcoming the actions of the arresting officer. The behavior does not have to result in actual physical injury to the arresting officer. Passive resistance does not constitute behavior intended to prevent being taken into custody.

(C) It is no defense to a prosecution under this section that the peace officer lacked legal authority to make the arrest, provided the peace officer was acting under color of official authority.

(Ord. 253, passed 12-8-92) Penalty, see § 10.99

§ 131.06 INTERFERENCE WITH POLICE AND FIRE COMMUNICATIONS.

No person shall operate any generator or electromagnetic wave or cause a disturbance of a magnitude that interferes with the proper functioning of a police or fire department radio communication system.

(Ord. 253, passed 12-8-92) Penalty, see § 10.99

§ 131.07 OBSTRUCTION OF BUILDING ENTRANCES.

No person shall obstruct an entrance to a building or loiter unnecessarily about or near an entrance, stairway, or hall leading to a building.

(Ord. 253, passed 12-8-92) Penalty, see § 10.99

§ 131.08 OPEN CELLAR DOORS OR GRATES.

No owner or person in charge of property shall permit a cellar door or grate located in or on a sidewalk or public pathway to remain open unless the entrance is being used and, when being used, there are adequate safeguards for pedestrians using the sidewalk.

(Ord. 253, passed 12-8-92) Penalty, see § 10.99

§ 131.09 OBSTRUCTION OF FIRE HYDRANT.

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

(Ord. 253, passed 12-8-92) Penalty, see § 10.99

§ 131.10 VENDING OF GOODS.

No person shall use or occupy a portion of a street or sidewalk for the purpose of vending goods, wares, or merchandise by public outcry unless a license has been obtained.

(Ord. 253, passed 12-8-92) Penalty, see § 10.99

Cross-reference:

Business licensing, see Ch. 110

§ 131.11 BEGGING.

No person shall physically accost another in a public place to solicit alms.

(Ord. 253, passed 12-8-92) Penalty, see § 10.99

§ 131.12 LODGING.

No person shall lodge in a car, outbuilding, or other place not intended for that purpose without permission of the owner or person entitled to possession.

(Ord. 253, passed 12-8-92) Penalty, see § 10.99

CHAPTER 132: OFFENSES AGAINST PUBLIC MORALS

Section

132.01Public indecency

§ 132.01 PUBLIC INDECENCY.

No person shall, while in or in view of a public place, perform:

(A) An act of sexual intercourse;

(B) An act of deviate sexual intercourse;

(C) An act of exposing his or her genitals with the intent of arousing the sexual desire of him- or herself or another person;

(D) An act of urination or defecation except in toilets provided for that purpose.
(Ord. 253, passed 12-8-92) Penalty, see § 10.99

Offenses Against Property

Offenses Against Property
CHAPTER 133: OFFENSES AGAINST PROPERTY

Section

133.01 Hauling

133.02 Interference with irrigation ditches

133.99 Penalty

§ 133.01 HAULING.

No person shall haul sand, gravel, rock, wood, or other substances in a vehicle or conveyance that is so constructed or in such condition as to allow the sand, gravel, rock, wood, or other substance to fall on and litter public streets.

(Ord. 253, passed 12-8-92) Penalty, see § 133.99

§ 133.02 INTERFERENCE WITH IRRIGATION DITCHES.

(A) It shall be and is hereby declared to be unlawful for any person to obstruct the flow of water through any irrigation ditch owned by the city or place any substance in such an irrigation ditch which will obstruct the flow thereof.

(B) It shall be and is hereby declared to be unlawful for any person to construct a bridge over any irrigation ditch owned by the city, or to place a tube in such a ditch for the water to flow through, without first securing a permit therefor from the Common Council of the city; and when such permit is granted, the bridge constructed or the tube used shall be of sufficient size that it will let the water in said irrigation ditch have free flow and not be retarded in any way by such bridge or tube.

(C) Any bridge heretofore constructed over any irrigation ditch owned by the city or any tube heretofore placed in said irrigation ditch which interferes with the free flow of the water through said irrigation ditch or retards the flow of such water is hereby declared to be a nuisance and subject to removal at the pleasure of the Common Council of the city. The Common Council may order its Street Department to remove such a bridge or tube, but before taking such action shall give the party or parties for whose use it has been placed in said irrigation ditch written notice to remedy the matter and wait 30 days thereafter before directing its Street Department to remove such bridge or tube; and if in said 30-day period the matter is corrected, the Council shall take no further action.

(Ord. 56, passed 8-4-53) Penalty, see § 133.99

§ 133.99 PENALTY.

(A) Any person violating any provision of this chapter for which no other specific penalty is provided shall be punished as provided in § 10.99

(B) Any person found guilty of violating § 133.02 shall, upon conviction, be fined not less than \$5 nor more than \$100. (Ord. 56, passed 8-4-53; Am. Ord. 211, passed 2-4-86)

Offenses Related to Minors

Offenses Related to Minors
CHAPTER 134: OFFENSES RELATED TO MINORS

Section

134.01 Endangering welfare of minor
134.02 Places of amusement
134.03 Curfew

134.99 Penalty

Cross-reference:

Alcohol and minors, see § 115.12

§ 134.01 ENDANGERING WELFARE OF MINOR.

(A) No person shall employ a person under 18 years of age in or about a card room, poolroom, or dance hall unless the establishment is a “recreational facility” as defined in § 134.02.

(B) No person shall solicit, aid, or cause a person under 18 years of age to:

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

(2) Run away or conceal him- or herself from a person or institution having lawful custody of the minor.

(Ord. 253, passed 12-8-92) Penalty, see § 134.99

§ 134.02 PLACES OF AMUSEMENT.

(A) No person under 18 years of age shall enter, visit, or loiter in or about a public card room or poolroom.

(B) No person operating or assisting in the operation of a public card room or poolroom shall permit a person under 18 years of age to engage in a game of cards, pool, dice, or games of chance for amusement or otherwise.

(C) This section shall not apply to playing pool 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 pool for amusement only and:

(1) In which the facilities are clean, adequately supervised, adequately lighted and ventilated;

(2) In which no alcoholic liquor is sold or consumed;

(3) Where access does not require passing through a room where alcoholic liquor is sold or consumed.

(Ord. 253, passed 12-8-92) Penalty, see § 134.99

Cross-reference:

Social games; operating requirements and restrictions related to minors, see § 114.10

§ 134.03 CURFEW.

(A) No minor under 18 years of age shall be on the street, highway, park, alley, or other public place between the hours of 10:00 p.m. and 4:00 a.m. of the following morning, unless:

(1) The minor is accompanied by a parent, guardian, or other person 18 years of age or over and authorized by the parent or by law to have the care or custody of the minor;

(2) The minor is then engaged in a lawful activity which requires the minor's presence upon the street, highway, park, alley, or public place; or

(3) The minor is emancipated pursuant to O.R.S. 109.550 through 109.565.

(B) No parent, guardian, or person having the care or custody of a minor under the age of 18 years shall allow such minor to be in or upon any street, highway, park, alley, or public place between the hours specified in (A) above.

(C) Any person over the age of 18 who shall aid, abet, or assist a minor under the age of 18 years to be in violation of this section shall be guilty of a violation.

(D) Any police officer is authorized to take a minor violating a provision of this section into custody as provided by O.R.S. 419.569. The person taking temporary custody of the minor under this subsection shall, as soon as practical, notify the parents, guardian, or other person having care or custody of the minor. If the minor is in violation of this section, the parent or guardian shall be cited to appear in the municipal court during regular court hours.

(Ord. 255, passed 4-13-93) Penalty, see § 134.99

§ 134.99 PENALTY.

(A) Any person violating any provision of this chapter for which no other specific penalty is provided shall be punished as provided in § 10.99.

(B) Any person who violates any of the provisions of § 134.03 shall be punished by a fine not to exceed \$250. (Ord. 255, passed 4-13-93)

CHAPTER 135: DRUG AND ALCOHOL OFFENSES

Section

135.01 Drinking in public places

135.02 Real estate transactions with intoxicated persons

135.03 Noxious substances

135.04 Marijuana

135.99 Penalty

Cross-reference:

Alcohol, see Ch. 115

§ 135.01 DRINKING IN PUBLIC PLACES.

(A) No person shall drink or consume alcoholic liquor in or on a street, alley, mall, parking lot or structure, motor vehicle, public grounds, or other public place unless the place has been licensed for that purpose by the Oregon Liquor Control Commission or as provided by (B).

(B) The consumption of alcoholic beverages will be permitted within the premises of the Malin Park Hall providing, however, that all necessary applications, permits, deposits, and fees have been satisfied as prescribed by the Malin Park Board's official policy on Malin Park Hall use. All persons desiring to drink or consume alcoholic beverages within the premises of the Malin Park Hall shall contact park officials to obtain the necessary applications and pay the required fees.

(Ord. 253, passed 12-8-92; Am. Ord. 265, passed 4-12-94) Penalty, see § 10.99

Cross-reference:

Malin Community Park, see § 92.01 et seq.

§ 135.02 REAL ESTATE TRANSACTIONS WITH INTOXICATED PERSONS.

No person shall purchase property from a person who is in an intoxicated condition or under the influence of a narcotic drug, or advance, loan money to, or have dealings with such person respecting the title to property.

(Ord. 253, passed 12-8-92) Penalty, see § 10.99

§ 135.03 NOXIOUS SUBSTANCES.

(A) No person shall deliberately smell or inhale any drug or any other noxious substance, vapor, or chemical containing any ketones, aldehydes, organic acetates, ether, chlorinated hydrocarbons, or other substances containing solvents releasing vapors, in such excessive quantities as to cause conditions of intoxication, inebriation, stupefaction, hallucination, or dulling of the brain or nervous system. This applies with particularity but is not limited to model airplane glue, fingernail polish, gasoline, and/or any other substance or chemical which has the abovedescribed effect upon the brain or nervous system.

(B) This section does not pertain to any person who inhales, ingests, or otherwise introduces into his or her circulatory or respiratory system such material or substance pursuant to the direction or prescription of any doctor, dentist, or other persons authorized to so direct or prescribe.

(Ord. 212, passed 4-1-86) Penalty, see § 135.99

§ 135.04 MARIJUANA.

(A) No person shall possess less than one avoirdupois ounce of the dried leaves, stems, or flowers of the plant cannabis family *moraceae*.

(B) This section shall not apply to law enforcement officers in the conduct of their official duties, nor to any person in lawful possession under a license or privilege granted by any branch or agency of either the state or federal governments.

(Ord. 212, passed 4-1-86) Penalty, see § 135.99

§ 135.99 PENALTY.

(A) Any person violating any provision of this chapter for which no other specific penalty is provided shall be punished as provided in § 10.99.

(B) (1) When an officer arrests any person for violation of §§ 135.03 and 135.04, the officer shall take into his or her possession all alcoholic liquor, drugs, noxious substances, marijuana, and other property which the person arrested has in his or her possession or on his or her premises which apparently is being used or kept in violation of the section.

(2) Violation of any provision of §§ 135.03 and 135.04 shall be punishable by a fine not to exceed \$250, unless a lesser fine is provided by state law for an identical offense.

(Ord. 212, passed 4-1-86)