

## Title 9

### PUBLIC PEACE, MORALS AND WELFARE

#### Chapters:

- 9.04 General Provisions and Definitions
- 9.08 Offenses By or Against Public Officers and Government
- 9.12 Offenses Against the Person
- 9.16 Offenses Against Public Peace and Decency
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#### Chapter 9.04

### GENERAL PROVISIONS AND DEFINITIONS

#### Sections:

- 9.04.010 Definitions.
- 9.04.020 Penalties.
- 9.04.030 Separate violations.

#### 9.04.010 Definitions.

As used in this title, except where the context indicates otherwise:

“Minor” means any person under the age of eighteen (18) years.

“Public place” means any building, place or accommodation open and available to the general public, including all municipal buildings. (Prior code § 4-3.1)

#### 9.04.020 Penalties.

Any person who shall violate any of the provisions of this title shall upon conviction thereof be punished by imprisonment for a period not to exceed one year and by a fine not exceeding five hundred dollars (\$500.00) or both. (Prior code § 4-3.40)

#### 9.04.030 Separate violations.

Each violation of a provision of this title shall constitute a separate offense. (Prior code § 4-3.41)

## Chapter 9.08

### OFFENSES BY OR AGAINST PUBLIC OFFICERS AND GOVERNMENT

#### Sections:

9.08.010 Interference with police.

9.08.020 Refusing to assist a peace officer.

9.08.030 Fire control.

9.08.010 Interference with police.

A. No person shall hinder, delay, obstruct, or resist any police officer or person duly empowered with police authority who is acting in the discharging of his or her duty.

B. No person shall offer or endeavor to assist any person in the custody of a police officer or a person duly empowered with police authority to escape or attempt to escape from such custody.

C. No person shall use or permit the use of property for planning or promoting criminal activities or violation of city ordinances.

D. 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 police radio communication system of the city.

E. No person shall knowingly make or file with the police department of the city any false, misleading, or unfounded statement or report concerning the commission or alleged commission of any crime. (Ord. 3-2001 § 2 (part); prior code § 4-3.10)

9.08.020 Refusing to assist a peace officer.

A person commits the offense of refusing to assist a peace officer if, upon command by a person known by him or her to be peace officer, he or she unreasonably refuses to or fails to assist in effecting an authorized arrest or preventing another from committing a crime. (Prior code § 4-3.11)

9.08.030 Fire control.

A. No person shall intentionally give any false alarm of fire or aid or abet in the commission of such an act.

B. No person at a fire shall conduct himself or herself in a disorderly manner or refuse to obey promptly any order of any member of the fire department or resist, obstruct, or hinder any member of the fire department. For the purposes of this section, all members of the fire department are endowed with the same powers of arrest as are conferred upon peace officers for violation of the city ordinances. (Prior code § 4-3.12)

## Chapter 9.12

### OFFENSES AGAINST THE PERSON

#### Sections:

9.12.010 Menacing.

9.12.020 Harassment.

9.12.030 Defrauding of innkeepers.

9.12.010 Menacing.

A person commits the offense of menacing if, by word or conduct, he or she intentionally attempts to place another person in fear of imminent, serious physical injury. (Prior code § 4-3.4)

9.12.020 Harassment.

A person commits the offense of harassment if, with intent to harass, annoy, or alarm another person, he or she:

A. Subjects another to offensive physical contact; or

B. Publicly insults another by abusive or obscene words or gestures in a manner likely to provoke a violent or disorderly response. (Prior code § 4-3.6)

9.12.030 Defrauding of innkeepers.

A. No person shall, with intent to defraud, obtain any food, lodging, or other accommodations at any hotel, apartment house, boarding house, tourist camp, trailer camp, or restaurant.

B. No person shall, after having obtained food, lodging, or other accommodation at any hotel, apartment house, boarding house, tourist camp, trailer camp, or restaurant

surreptitiously remove his or her baggage and clothing from such hotel, apartment house, boarding house, tourist camp, trailer camp, or restaurant without first paying or tendering payment for such food, lodging, or other accommodation. (Prior code § 4-3.21)

## Chapter 9.16

### OFFENSES AGAINST PUBLIC PEACE AND DECENCY

#### Sections:

- 9.16.010 Disorderly conduct.
- 9.16.020 Obstructing passageways.
- 9.16.030 Animals.
- 9.16.040 Immoral practices.
- 9.16.050 Lodging accommodations.
- 9.16.060 Acts of vagrancy--Lodging.

#### 9.16.010 Disorderly conduct.

A. A person commits the offense of disorderly conduct if, with intent to cause public inconvenience, annoyance, or alarm, or recklessly creating a risk thereof, he or she:

1. Engages in fighting or in violent, tumultuous, or threatening behavior; or
2. Makes unreasonable noise; or
3. Uses abusive or obscene language, or makes an obscene gesture in a public place such that it causes an unlawful public disturbance; or
4. Disturbs any lawful assembly of persons without lawful authority such that it causes a public disturbance; or
5. Obstructs vehicular or pedestrian traffic on a public way; or
6. Congregates with other persons in a public place and refuses to comply with a lawful order of the police to disperse; or
7. Initiates or circulates a report, knowing it to be false, concerning an alleged or impending fire, explosion, crime, catastrophe, or other emergency; or
8. Creates a hazardous or physically offensive condition by any act which he or she is not licensed or privileged to do.

B. No person shall knowingly permit any disorderly conduct on any premises owned or controlled by him or her. (Prior code § 4-3.3)

9.16.020 Obstructing passageways.

A. No person shall, except as otherwise permitted by ordinance, obstruct, cause to be obstructed, or assist in obstructing pedestrian or vehicular traffic or any sidewalk or street.

B. No person shall, from sunset to sunrise, permit any merchandise, equipment, or other obstruction to remain on any street or sidewalk, unless a warning light or lights are placed by such obstruction in such a position as to be clearly visible for a distance of at least two hundred (200) feet both ways. Provided, however, that such obstructions will be allowed only upon express authorization obtained from the chief of police, when such obstruction will not unduly hinder or impede traffic.

C. No person shall use any street or sidewalk or any portion thereof for the selling, storing, or display of merchandise or equipment except as may otherwise be provided by ordinance.

D. No person shall deposit any earth or other debris upon any street or sidewalk, except as permitted by ordinance or authorized in writing by the city engineer. (Prior code § 4-3.14)

9.16.030 Animals.

A. No person shall fail to provide any animal in his custody with food, drink, and protection from the elements.

B. No person shall place or distribute any poison or other substance with the intent of poisoning any animal, except those animals commonly recognized as pests or rodents.

C. No person shall keep any dangerous animal, wild or domesticated, within the city. (Ord. 3-2001 § 2 (part); prior code § 4-3.15)

9.16.040 Immoral practices.

A. Peeping. No person shall go upon the premises of another at night and peer through a door or window.

B. No person shall frequent, loiter, or be employed in any tavern, cabaret, or nightclub for the purpose of soliciting a person to purchase drinks. No proprietor of any such establishment shall allow the presence in such establishment of any person who violates the provisions of this subsection. This subsection shall not apply to persons regularly employed as bartenders and waiters. (Ord. 3-2001 § 2 (part); prior code § 4-3.19)

9.16.050 Lodging accommodations.

No person shall write or cause to be written, or knowingly permit to be written, in any register in any hotel, lodging house, rooming house, or other place where transients are accommodated in the city, any other or different name or designation than the true name or designation of the person so registered, or the name or designation by which such person is generally known. (Prior code § 4-3.22)

9.16.060 Acts of vagrancy--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 the possession thereof. (Ord. 3-2001 § 2 (part); prior code § 4-3.23)

Chapter 9.20

OFFENSES AGAINST PROPERTY

Sections:

9.20.010 Mischief in the third degree.

9.20.020 Mischief in the second degree.

9.20.030 Unlawfully using slugs.

9.20.040 Abuse of venerated object.

9.20.050 Destruction of official notices and signs.

9.20.060 Streets and sidewalks.

9.20.070 Taking, retention, or mutilation of public records.

9.20.080 Penalties.

9.20.090 Graffiti implements.

9.20.010 Mischief in the third degree.

A person commits the offense of mischief in the third degree if, with intent to cause substantial inconvenience to the owner or to another person, and having no right to do so nor reasonable ground to believe that he or she has such right, he or she tampers or interferes with property of another. (Prior code § 4-3.26)

9.20.020 Mischief in the second degree.

A person commits the offense of mischief in the second degree if:

A. He or she violates Section 9.20.010 of this chapter and, as a result thereof, damages property in an amount exceeding one hundred dollars (\$100.00); or

B. Having no right to do so nor reasonable ground to believe that he or she has such right, he or she intentionally damages property of another, or he or she recklessly damages property of another in an amount exceeding one hundred dollars (\$100.00). (Amended during 2001 codification; prior code § 4-3.27)

9.20.030 Unlawfully using slugs.

A. A person commits the offense of unlawfully using slugs if:

1. With intent to defraud the supplier of property or a service sold or offered by means of a coin machine, he or she inserts, deposits, or otherwise uses a slug in such machine; or

2. He or she makes, possesses, offers for sale, or disposes of a slug with intent to enable a person to use it fraudulently in a coin machine.

B. As used in this section:

1. “Coin machine” means a coin box, turnstile, vending machine, or other mechanical or electronic device or receptacle designed to receive a coin or bill of a certain denomination or a token made for such purpose; and, in return for the insertion or deposit thereof, automatically to offer, provide, assist in providing, or permit the acquisition or use of some property or service.

2. “Slug” means an object, article, or device which, by virtue of its size, shape, or any other quality is capable of being inserted, deposited, or otherwise used in a coin machine as a fraudulent substitute for a genuine coin, bill or token. (Prior code § 4-3.28)

9.20.040 Abuse of venerated object.

A. A person commits the offense of abuse of venerated objects if he or she intentionally abuses a public monument or structure, a place of worship or burial, or the national or state flag.

B. As used in this section, “abuse” means to deface, damage, defile, or otherwise physically mistreat in a manner likely to outrage public sensibilities. (Prior code § 4-3.29)

9.20.050 Destruction of official notices and signs.

No person shall wilfully deface or tear down any official notice or bulletin or any official sign or signal posted or placed in conformity with the law. (Prior code § 4-3.30)

9.20.060 Streets and sidewalks.

A. No person shall permit any cellar door or grate located in or upon a sidewalk to remain open except when such entrance is being used; and, when being used, such entrance shall be opened only with proper safeguards to protect pedestrians using such sidewalk.

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

C. Vending Goods on Streets or Sidewalks. 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 or otherwise, unless a license has first been obtained. (Ord. 3-2001 § 2 (part); prior code § 4-3.32)

9.20.070 Taking, retention, or mutilation of public records.

A. No person shall, without proper authority, take or remove any public record, document, book, paper, or personal property of any kind owned by the city.

B. No person, without proper authority, shall mutilate or destroy any public record, document, book, or paper on file or kept on record in any public office of the city.

C. No person shall retain any public record, document, book, or paper after lawful demand has been made for the return thereof. (Prior code § 4-3.33)

9.20.080 Penalties.

Any person who shall violate any of the provisions of Sections 9.20.010 through 9.20.070 shall upon conviction thereof be punished by imprisonment for a period not to exceed one year and by a fine not exceeding five hundred dollars (\$500.00) or both. (Prior code § 4-3.40)

9.20.090 Graffiti implements.

A. Definitions.

“Aerosol paint container” means any aerosol container adapted or made for spraying paint.

“Etching device” means a glass cutter, awl, or any device capable of scratching or etching the surface of any structure of personal property.

“Felt tip marker” means any indelible marker or similar implement with a tip which, at its broadest width, is greater than one-fourth inch.

“Graffiti” means any inscription, word, figure or design that is marked, etched, scratched, drawn or painted on any surface that is not authorized by the owner or person in charge of the property.

“Graffiti implement” means an aerosol paint container, a felt tip marker, an etching device or a graffiti stick.

“Graffiti stick” means a device containing a solid form of paint, chalk, wax, epoxy or other similar substance capable of being applied to a surface by pressure, and upon application, leaving a mark at least one-fourth of an inch in width.

B. Unlawfully Possessing Graffiti Implement.

1. No person may possess, with the intent to unlawfully apply graffiti on any real or personal property of another, any graffiti implement; and

2. No person may transport, carry, or otherwise possess in a public place within the city, any graffiti implement; and

3. Unlawfully possessing a graffiti implement is a violation.

C. Seizure Impoundment. In addition to any citation issued, a graffiti implement possessed in violation of this section may be immediately seized and impounded by the police department. The court, upon disposition of the issued citation, shall determine whether the instrument shall be returned to the defendant or deemed contraband and disposed of according to state law.

D. Penalty. A conviction for the violation of subsection B of this section shall be punishable by a fine not to exceed two hundred fifty dollars (\$250.00). Upon conviction for unlawfully possessing a graffiti implement, the court shall impose a mandatory minimum fine of one hundred dollars (\$100.00).

E. Community Service. A conviction for the violation of subsection B of this section shall be punishable by a fine not to exceed two hundred fifty dollars (\$250.00). Upon conviction for unlawfully possessing a graffiti implement, the court may order community service as follows:

1. Upon conviction for unlawfully possessing a graffiti implement, the person shall perform at least twenty (20) hours of community service;

2. The entire period of community service shall be performed under the supervision of a community service provider approved by the court; and

3. Reasonable effort shall be made to assign the subject person to a type of community service that is reasonably expected to have the most rehabilitative effect on the person. To the extent that the offense giving rise to the offer of community service constitutes a violation of this section, reasonable effort shall be made by the court to as-

sign the person to community service which constitutes in significant part the removal of the graffiti.

F. Parental Responsibility.

1. No parent, guardian or other person having the legal custody of a minor person under the age of eighteen (18) years may allow or permit the minor to be in violation of subsection B of this section.

2. Upon a subsequent violation by a minor, the parent guardian or person having legal custody shall be served with a subpoena to appear before the court with the minor and show cause why subsection B of this section has been violated a second time.

3. Violating parental responsibility under this section is a violation and upon conviction shall be punishable by a fine not to exceed two hundred fifty dollars (\$250.00).

G. Parental Civil Liability. In addition to any other remedy provided by law, the parent or parents of an unemancipated minor child shall be liable for actual damage to person or property in connection with the removal of graffiti caused by such child in accordance with the provisions of ORS 30.765. (Ord. 171 §§ 1--7, 1995)

## Chapter 9.24

### OFFENSES BY OR AGAINST MINORS

#### Sections:

9.24.010 Billiard rooms--Pool rooms--Employment in certain places.

9.24.020 Child neglect.

9.24.030 Penalties.

9.24.040 Failing to supervise a minor.

9.24.010 Billiard rooms--Pool rooms--Employment in certain places.

It is unlawful for a person to employ a minor under the age of eighteen (18) years in or about a cardroom, billiard room, shooting gallery, or dance hall. (Prior code § 4-3.37)

9.24.020 Child neglect.

A person having custody or control of a child under ten (10) years of age commits the offense of child neglect if he or she negligently leaves the child unattended in or at

any place for such period of time as may be likely to endanger the health or welfare of such child. (Prior code § 4-3.38)

#### 9.24.030 Penalties.

Any person who shall violate any of the provisions of Sections 9.24.010 and 9.24.020 shall upon conviction thereof be punished by imprisonment for a period not to exceed one year and by a fine not exceeding five hundred dollars (\$500.00) or both. (Prior code § 4-3.40)

#### 9.24.040 Failing to supervise a minor.

A. A person commits the offense of failing to supervise a minor if: The “person” is the parent, legal guardian or person with legal responsibility for the safety and welfare of a child under eighteen (18) years, and the child has been discovered on either private property or premises open to the public, and is cited for any violation of any provision of the city laws or state law, and sufficient facts exist to find that the child committed the offense.

B. It is a defense to the offense of failure to supervise a minor if the child’s citation for violation of any provision of the law occurred in the presence of the person. It is a defense to the offense of failure to supervise a minor if the citation was issued pursuant to an occurrence on the private property of the person.

C. In addition to any fine or penalty imposed pursuant to this section, the court may order the person to pay any restitution to a victim of the subject minor’s conduct. The amount of restitution ordered pursuant to this section shall not exceed two thousand five hundred dollars (\$2,500.00). The court of jurisdiction shall credit the person ordered to pay restitution the actual dollars paid by the minor pursuant to any juvenile court order or juvenile code agreement.

D. The offense described in this section of failure to supervise a minor is a violation punishable by a maximum fine of two hundred fifty dollars (\$250.00). (Ord. 170 §§ 1--4, 1995)

## Chapter 9.28

### WEAPONS

Sections:

9.28.010 Concealed weapons.

9.28.020 Discharge of weapons and missiles.

9.28.010 Concealed weapons.

No person other than an authorized peace officer or person licensed pursuant to ORS 166.290, shall carry concealed on or about his or her person in any manner any revolver, pistol or other firearm, or any knife, other than an ordinary pocket knife, or any dirk, dagger, stiletto, metal knuckles, or any weapon by the use of which injury could be inflicted upon person or property. (Prior code § 4-3.7)

9.28.020 Discharge of weapons and missiles.

A. No person, other than an authorized peace officer, shall fire or discharge within the city any air gun or weapon which acts by force of gunpowder or other explosive, or by the use of jet or rocket propulsion.

B. Subsection A of this section shall not be construed to prohibit the firing or discharging of any weapon:

1. By any person in the defense or protection of his property, person or family;
2. At any place duly designated or commonly used for target practice.

C. No person shall use, cause to be used, or encourage the use of any beanshooter or other contrivance used in shooting or throwing beans, stones, pebbles, or other similar substance. (Prior code § 4-3.8)

## Chapter 9.32

### DISRUPTION OF SCHOOL PROCESS

#### Sections:

9.32.010 Definitions.

9.32.020 Disruption of school process.

9.32.030 Penalty.

9.32.010 Definitions.

As used in this chapter, unless the context requires otherwise:

“Disrupt,” means and includes but is not limited to, disobedience to the instructions of teacher, teacher assistant, school administrator, secretarial staff, transportation, janitor-

ial or maintenance staff, or using words, gestures or conduct toward staff or other students that impedes the orderly administration of the educational setting.

“Order, discipline or process in an education setting” means any educational activity or extracurricular school-sponsored activity and includes but is not limited to, any classroom setting, gymnasiums, locker rooms, administrative offices, instructor’s lounge, hallways, cafeteria, school grounds, or off-campus areas where school-sponsored activities are being conducted. (Ord. 4-2007 § 1, 2007)

#### 9.32.020 Disruption of school process.

No person shall disrupt or threaten to disrupt the order, discipline or process in an educational setting without reasonable cause or purpose or legal justification. (Ord. 4-2007 § 2, 2007)

#### 9.32.030 Penalty.

Violation of this chapter shall constitute a Class A violation as defined in Chapter 153 of the Oregon Revised Statutes or as hereafter amended and the fine for such a violation shall be set forth in Chapter 153 of the Oregon Revised Statutes for a Class A violation as presently defined or as hereafter amended. (Ord. 4-2007 § 3, 2007)