

TITLE XIII: GENERAL OFFENSES

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CHAPTER 130: GENERAL PROVISIONS

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§ 130.01 DEFINITIONS.

The definitions contained in current Oregon Criminal Code, as hereafter modified or amended, are adopted by reference and made a part of this title. Except where the context clearly indicates a different meaning, the general definitions and the definitions appearing in the definitional and other sections of particular chapters of the code shall be applicable throughout this title.

(Ord. 71-54, passed 12-13-71; Am. Ord. 72-11, passed 3-27-72; Am. Ord. 99-17, passed 11-8-99)

§ 130.02 CONFEDERATING TO COMMIT OFFENSE.

No person shall solicit, employ, or engage another, or confederate with another to violate a provision of this title.

(Ord. 71-54, passed 12-13-71) Penalty, see § 130.99

§ 130.03 ATTEMPT.

A person who shall attempt to commit any of the offenses mentioned in this title or any ordinance of the city, but who for any reason is prevented from consummating such act, shall be deemed guilty of an offense.

(Ord. 71-54, passed 12-13-71) Penalty, see § 130.99

§ 130.04 WORKING OUT FINES AND COSTS.

When a person is convicted of an offense under the laws of the city and is adjudged to pay a fine and costs, and shall fail to pay the fine and costs, the Municipal Judge may collect the fine by sentencing such person so fined to labor on the streets or on other public works. Persons fined and sentenced to labor as set out in this section shall be under the charge and supervision of the Chief of Police and the Police Department.

(Ord. 71-54, passed 12-13-71; Am. Ord. 80-9, passed 6-9-80)

§ 130.99 PENALTY.

(A) Violation of any provision of this title is punishable by a fine not to exceed \$700, or imprisonment not to exceed 180 days, or by both fine and imprisonment; provided, however, if there is a violation of any provision identical to a state statute with a lesser penalty attaching, punishment shall be limited to the lesser penalty prescribed in the state law.

(B) Whenever in this title, or any ordinance of the city, an act is prohibited or is made or declared to be unlawful or an offense, or the doing of an act is required or the failure to do an act is declared to be unlawful or an offense, each day a violation continues shall constitute a separate offense.

(Ord. 71-54, passed 12-13-71; Am. Ord. 95-02, passed 1-23-95)

CHAPTER 131: OFFENSES AGAINST PUBLIC PEACE AND SAFETY

Section

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§ 131.01 DISORDERLY CONDUCT.

No person shall, with intent to cause public inconvenience, annoyance, or alarm, or recklessly creating a risk thereof, commit disorderly conduct by:

(A) Engaging in fighting or in violent, tumultuous, or threatening behavior.

(B) Making unreasonable noise.

(C) Using abusive or obscene language, or making any obscene gesture in a public place.

(D) Disturbing any lawful assembly of persons without lawful authority.

(E) Obstructing vehicular or pedestrian traffic on a public way.

(F) Congregating with other persons in a public place and refusing to comply with a lawful order of the police to disperse.

(G) Initiating or circulating a report, knowing it to be false, concerning an alleged or impending fire, explosion, crime, catastrophe, or other emergency.

(H) Creating a hazardous or physically offensive condition by any act which he is not licensed or privileged to do.

(Ord. 71-54, passed 12-13-71; Am. Ord. 2000-10, passed 11-13-00) Penalty, see § 130.99

§ 131.02 ASSAULT, MENACING AND RECKLESSLY ENDANGERING ANOTHER PERSON.

(A) *Assault.* No person shall:

(1) Intentionally, knowingly or recklessly cause physical injury to another.

(2) With criminal negligence cause physical injury to another by means of a deadly weapon.

(B) *Menacing.* No person shall, by word or conduct, intentionally attempt to place another person in fear of imminent serious physical injury.

(C) *Recklessly endangering another person.* No person shall recklessly engage in conduct which creates a substantial risk of serious physical injury to another person.

(Ord. 71-54, passed 12-13-71; Am. Ord. 72-11, passed 3-27-72) Penalty, see § 130.99

§ 131.03 LOITERING.

No person shall:

(A) Loiter in or near a school building or grounds, not having any reason or relationship involving custody of or responsibility for a student; or, upon inquiry by a peace officer or school official, not having a specific, legitimate reason for being there.

(B) Loiter or prowl in a public place without apparent reason, and under circumstances which warrant justifiable alarm for the safety of person or property in the vicinity; and, upon inquiry by a peace officer, refuse to identify himself and give a reasonably credible account of his presence and purposes.

(Ord. 71-54, passed 12-13-71) Penalty, see § 130.99

§ 131.04 HARASSMENT.

No person shall, with intent to harass, annoy or alarm another person:

(A) Subject another to offensive physical contact.

(B) Publicly insult another by abusive or obscene words or gestures in a manner likely to provoke a violent or disorderly response.

(C) Communicate with a person, anonymously or otherwise, by telephone, mail or other form of written communication in a manner likely to cause annoyance or alarm.

(Ord. 71-54, passed 12-13-71; Am. Ord. 80-9, passed 6-9-80) Penalty, see § 130.99

§ 131.05 UNLAWFUL ASSEMBLY.

No person shall contribute to unlawful assembly by:

(A) Assembling with five or more other persons with the purpose of engaging in conduct constituting a riot.

(B) Being present at an assembly that either has or develops the purpose of engaging in conduct constituting a riot, and remaining there with the intent to advance that purpose.

(Ord. 71-54, passed 12-13-71) Penalty, see § 130.99

§ 131.06 RIOT.

No person shall participate in a riot by engaging with five or more other persons in tumultuous and violent conduct, and thereby intentionally or recklessly creating a grave risk of causing public alarm.

(Ord. 71-54, passed 12-13-71) Penalty, see § 130.99

§ 131.07 UNLAWFUL OPERATION OF SOUND PRODUCING EQUIPMENT; PERMIT FOR LOUDSPEAKING SOUND CAR.

(A) It is unlawful to operate or permit the use or operation of any device designed for sound production or reproduction, including, but not limited to any radio, television set, musical instrument, phonograph, loud speaker, bell or chime, in such a manner as to cause a noise disturbance, so as to be plainly audible within any dwelling unit which is not the source of the sound; or to operate or permit the use or operation of any such device on public property or on a public right-of-way so as to be plainly audible 50 feet or more from such device. (Ord. 82-14, passed 6-28-82; Am. Ord. 82-18, passed 8-9-82)

(B) No person, firm or corporation shall operate any loudspeaker sound car upon any of the streets of the city without first having obtained a permit therefor from the Chief of Police. (Ord. 71-54, passed 12-13-71)

Penalty, see § 130.99

§ 131.08 CARRYING CONCEALED WEAPONS.

No person other than an authorized peace officer or person licensed pursuant to current Oregon Revised Statutes, as hereafter modified or amended, shall carry concealed on or about his person in any manner any revolver, pistol, other firearm, knife, other than an ordinary pocket knife with a blade less than three and one-half inches long, dirk, dagger, stiletto, metal knuckles, or weapon the use of which could inflict injury upon a person or property.

(Ord. 71-54, passed 12-13-71; Am. Ord. 99-17, passed 11-8-99) Penalty, see § 130.99

§ 131.09 DISCHARGING WEAPONS.

(A) No person other than an authorized peace officer shall fire or discharge a gun, including spring or air-actuated pellet guns, air guns, or BB guns, bow and arrow, slingshot, paint-ball gun, or any other weapon which propels a projectile by use of gunpowder or other explosive, jet or rocket propulsion.

(B) The provisions of this section shall not be construed to prohibit the firing or discharging of a weapon by a person in the defense or protection of his property, person or family.

(C) Upon receipt of satisfactory evidence from the Department of Fish and Wildlife, demonstrating the necessity to hold a special hunt for the purpose of reducing the elk population, Council, by its own motion, may waive the provisions of division (A) and allow the discharge of firearms within the city limits. (Ord. 71-54, passed 12-13-71; Am. Ord. 77-23, passed 5-23-77; Am. Ord. 95-02, passed 1-23-95) Penalty, see § 130.99

§ 131.10 SHOOTING GALLERY REGULATIONS.

It shall be unlawful for any shooting gallery, club, or individual to use for target practice in any

shooting gallery, club room, or otherwise within the city any rifle, gun, or pistol of greater calibre than what is known as a .22 calibre shooting a rim-fire cartridge.

(Ord. 71-54, passed 12-13-71) Penalty, see § 130.99

§ 131.11 FIREWORKS.

(A) The following sections of the current Oregon Fireworks Law, as hereafter modified or amended, 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 title:

(B) The following activities are prohibited within the ocean shore recreation area:

Possession, discharging, or causing to be discharged, any firecracker, explosives, torpedoes, rockets, fireworks or other similar devices without the written permission of the park manager of the beach area in which the permittee wishes to discharge such devices. Fireworks are defined in OAR 837-12-72, § 19.

(Ord. 71-54, passed 12-13-71; Am. Ord. 95-02, passed 1-23-95; Am. Ord. 99-17, passed 11-8-99) Penalty, see § 130.99

§ 131.12 FALSE ALARMS; CONDUCT AS TO FIRE CONTROL.

(A) No person shall:

(1) Intentionally give a false alarm of fire or aid or abet in the commission of such an act.

(2) Drive a vehicle over or upon any fire hose, or otherwise disturb or injure in any manner any hose, engine, appliance, or apparatus belonging to or used by the Fire Department.

(3) Conduct himself in a disorderly manner or refuse to obey promptly an order of a member of the Fire Department; or resist, obstruct, or hinder a member of the Fire Department.

(4) Unfasten, open, draw water from, or otherwise tamper with a fire hydrant without authority to do so.

(B) No person shall:

(1) Unreasonably refuse or fail to assist a person known by him to be a firefighter in extinguishing a fire or protecting property threatened thereby, when requested.

(2) Intentionally and unreasonably disobey a lawful order relating to his conduct in the vicinity of a fire.

(Ord. 71-54, passed 12-13-71) Penalty, see § 130.99

§ 131.13 PUBLIC THROWING OR DISCHARGING OF SUBSTANCES.

(A) No person shall throw or discharge any substance to or from any vehicle, stationary or moving, while on a public street.

(B) No person shall throw or discharge any substance at any other person on a public thoroughfare, including sidewalks.

(Ord. 92-42, passed 11-9-92) Penalty, see § 130.99

§ 131.14 RESISTING ARREST.

(A) No person may intentionally resist a person known by him 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.

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

(Ord. 71-54, passed 12-13-71; Am. Ord. 80-9, passed 6-9-80) Penalty, see § 130.99

§ 131.15 INTERFERENCE WITH POLICE.

(A) No person may hinder, interfere with, delay, obstruct, or refuse to assist any police officer or person duly empowered with police authority who is acting in the discharge of his duty.

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

(Ord. 80-9, passed 6-9-80) Penalty, see § 130.99

§ 131.16 ESCAPE FROM OFFICIAL DETENTION.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) **ESCAPE.** Unlawful departure, including failure to return to custody after temporary leave granted for a specific purpose or limited period.

(2) **OFFICIAL DETENTION.**

(a) Arrest by any peace officer or member of the Department of State Police.

(b) Detention in a facility for the custody of persons under charge or conviction of an offense.

(c) Detention for extradition or deportation.

(d) Other detention because the individual detained is charged with or convicted of an offense.

(B) No person shall:

(1) Knowingly escape from official detention.

(2) Knowingly cause or facilitate an escape from official detention.

(3) Being a public servant concerned in official detention, knowingly or recklessly permit an escape from official detention.
(Ord. 71-54, passed 12-13-71) Penalty, see § 130.99

§ 131.17 IMPERSONATING AN OFFICER.

No person shall falsely assume to be a peace officer or wear the badge or the adopted uniform, or perform an overt act as such officer.
(Ord. 71-54, passed 12-13-71) Penalty, see § 130.99

§ 131.18 ENTERING WATERWAY FROM PUBLIC STRUCTURE.

No person shall jump or dive into any waterway from any publicly owned bridge, walkway, sidewalk or deck.
(Ord. 91-24, passed 8-12-91) Penalty, see § 130.99

§ 131.19 LODGING IN PUBLIC.

(A) No person shall use any vehicle or trailer for lodging purposes upon the streets or public beach of the city, or otherwise use the streets or public beach for lodging or sleeping.

(B) No person shall use any vehicle or trailer for lodging purposes upon private or public parking lots except as provided by ordinance of the city or by per mission of the Common Council.
(Ord. 71-54, passed 12-13-71; Am. Ord. 91-31, passed 11-25-91) Penalty, see § 130.99

§ 131.20 GOLF ON BEACH.

No person shall play or practice playing golf or driving golf balls along or upon the ocean beach within the corporate limits of the city.
(Ord. 71-54, passed 12-13-71) Penalty, see § 130.99

§ 131.21 BEGGING.

No person shall beg or solicit alms or other gratuities upon the streets or in any public place in the city.
(Ord. 71-54, passed 12-13-71) Penalty, see § 130.99

§ 131.22 CRUELTY TO ANIMALS.

Except as otherwise authorized by law, no person shall intentionally or recklessly:

(A) Subject any animal under human custody or control to cruel mistreatment.

(B) Subject any animal under his custody or control to cruel neglect.

(C) Kill without legal privilege any animal under the custody or control of another.

(D) No person within the ocean shore recreation area shall hunt, pursue, trap, kill, injure or molest any wildlife or disturb their habitats.

(E) No person within the ocean shore recreation area shall harass any wildlife seabird or nesting birds; disturb tide pools; gather eggs or other live material.
(Ord. 71-54, passed 12-13-71; Am. Ord. 95-02, passed 1-23-95) Penalty, see § 130.99

§ 131.23 VEHICLES INJURING ANIMALS.

Any person operating a vehicle within the city who shall run over, strike, injure, maim, or kill any domestic animal shall immediately stop and render aid to such animal, if injured, or provide for the disposition of the carcass, if such animal is killed; and in either case such person shall make due and diligent inquiry to determine the owner of such animal; and if the owner be found he shall notify him of the occurrence and also report the same forthwith to the Chief of Police or his assistant.
(Ord. 71-54, passed 12-13-71) Penalty, see § 130.99

CHAPTER 132: OFFENSES AGAINST PROPERTY

Section

- 132.01 Theft
- 132.02 Defrauding innkeepers; false registration
- 132.03 Refusing to pay taxi fares
- 132.04 Trespassing on property
- 132.05 Possession of burglar's tools
- 132.06 Injury to or removal of property
- 132.07 Taking, retention or mutilation of public records
- 132.08 Littering
- 132.09 Hauling
- 132.10 Expectorating
- 132.11 Creating offensive condition by feeding birds
- 132.12 Graffiti

(2) Having obtained food, lodging, or other accommodations at a hotel, motel, apartment house, boardinghouse, tourist park, trailer park or restaurant, surreptitiously remove his baggage and clothing from the premises without first paying or tendering payment for such food, lodging, or other accommodations. (Ord. 71-54, passed 12-13-71)

(B) No person shall register as a guest at any hotel or motel in any name other than his or her true and lawful name.

(C) No person shall at time of registration at any hotel or motel use any address other than an address at which the person resides or conducts a business. (Ord. 83-14, passed 7-25-83)
Penalty, see § 130.99

§ 132.01 THEFT.

Current Oregon Criminal Code, as hereafter modified or amended, is adopted by reference and made a part of this title, save and except penalty provisions.
(Ord. 71-54, passed 12-13-71; Am. Ord. 72-11, passed 3-27-72; Am. Ord. 99-17, passed 11-8-99)
Penalty, see § 130.99

§ 132.02 DEFRAUDING INNKEEPERS; FALSE REGISTRATION.

(A) No person shall, with intent to defraud:

(1) Obtain any food, lodging, or other accommodations at a hotel, motel, apartment house, boardinghouse, tourist park, trailer park, or restaurant.

§ 132.03 REFUSING TO PAY TAXI FARES.

No person shall willfully refuse to pay a taxicab fare that is due and owing within the city.
(Ord. 71-54, passed 12-13-71) Penalty, see § 130.99

§ 132.04 TRESPASSING ON PROPERTY.

(A) No person shall go upon property which has been conspicuously posted as "No Trespassing" or remain upon property when told to leave by the person in lawful possession thereof.

(B) No person shall enter or go upon a portion of a building or appurtenances thereto, not open to the public, without the permission of the person entitled to possession of the building.

(C) No person shall refuse to comply with the order of a peace officer, acting on the request of an owner, lessee, or other person in lawful charge of property, to leave the premises.

(Ord. 71-54, passed 12-13-71) Penalty, see § 130.99

§ 132.05 POSSESSION OF BURGLAR'S TOOLS.

(A) No person shall possess any burglar tool with the intent to use the tool or knowing that some person intends to use the tool to commit or facilitate a forcible entry into premises or theft by a physical taking.

(B) "Burglar tool" means an acetylene torch, electric arc, burning bar, thermal lance, oxygen lance or other similar device capable of burning through steel, concrete or other solid material, or nitroglycerine, dynamite, gunpowder, or any other explosive, tool, instrument, or other article adapted, designed, or commonly used for committing or facilitating a forcible entry into premises or theft by a physical taking.

(Ord. 71-54, passed 12-13-71) Penalty, see § 130.99

§ 132.06 INJURY TO OR REMOVAL OF PROPERTY.

(A) No person, without proper authority, shall cut, remove, deface, or in any manner injure or damage real or personal property of the city within or without the corporate limits.

(B) No person, without proper authority, shall wilfully deface, injure, tamper with, break, or destroy any property, real or personal, belonging to or under the control of another.

(C) No person shall lead, drive, or ride a horse on public property, except upon that portion of a street where vehicular traffic is authorized.

(D) No person upon the ocean shore shall, except with the written permission of Oregon State Parks:

(1) Cut, trim, uproot, or remove any living vegetation;

(2) Dig up or remove any sand, soil, rock, historical or fossil materials or Indian artifacts or burials, except in accordance with O.R.S. Ch. 358 and OAR 736-20-035.

(E) No person within the ocean shore recreation area shall roll stones or other objects, or carve, dig caves, sculpture sand dunes or sea cliffs, in a way which endangers visitors or damages ocean shore resources.

(Ord. 71-54, passed 12-13-71; Am. Ord. 95-02, passed 1-23-95) Penalty, see § 130.99

§ 132.07 TAKING, RETENTION OR MUTILATION OF PUBLIC RECORDS.

(A) No person, without proper authority, shall 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.

(Ord. 71-54, passed 12-13-71) Penalty, see § 130.99

§ 132.08 LITTERING.

(A) No person shall create an objectionable stench or degrade the beauty or appearance of property or detract from the natural cleanliness or safety of property by intentionally:

(1) Discarding or depositing any rubbish, trash, garbage, debris, or other refuse upon the land of another without permission of the owner, or upon any public way.

(2) Draining, or causing or permitting to be drained, sewage or the drainage from a cesspool, septic tank, recreation or camping vehicle waste holding tank or other contaminated source, upon the land of another without permission of the owner, or upon any public way.

(3) Permitting any rubbish, trash, garbage, debris, or other refuse to be thrown from a vehicle which he is operating; except that this subsection shall not apply to a person operating a vehicle transporting passengers for hire subject to regulation by the Interstate Commerce Commission or the Public Utility Commission of Oregon or a person operating a school bus subject to O.R.S. 485.010 to 485.060.

(B) As used in this section, "public way" includes, but is not limited to, roads, streets, alleys, lanes, trails, beaches, parks, and all recreational facilities operated by the state, county, or the city for use by the general public.

(Ord. 71-54, passed 12-13-71) Penalty, see § 130.99

§ 132.09 HAULING.

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

(Ord. 71-54, passed 12-13-71) Penalty, see § 130.99

§ 132.10 EXPECTORATING.

No person shall expectorate upon a public sidewalk or street, or on or in a public building, except in receptacles provided for that purpose.

(Ord. 71-54, passed 12-13-71) Penalty, see § 130.99

§ 132.11 CREATING OFFENSIVE CONDITION BY FEEDING BIRDS.

No person shall create an unsanitary or offensive condition by the feeding of any birds, on either public or private property.

(Ord. 92-41, passed 11-9-92) Penalty, see § 130.99

§ 132.12 GRAFFITI.

(A) Oregon Revised Statute 164.381 to 164.388 as hereafter modified or amended, is hereby adopted and made a part of this code.

(1) *Definitions.* As used in ORS 137.131, 164.381 to 164.386 and 419C.461:

(a) **GRAFFITI** means any inscriptions, words, figures or designs that are marked, etched, scratched, drawn, painted, pasted or otherwise affixed to the surface of property.

(b) **GRAFFITI IMPLEMENT** means paint, ink, chalk, dye or other substance or any instrument or article designed or adapted for spraying, marking, etching, scratching or carving surfaces.

(2) *Unlawfully applying graffiti.*

(a) A person commits the offense of unlawfully applying graffiti if the person, having no right to do so nor reasonable ground to believe that the person has such right, intentionally damages property of another by applying graffiti to the property.

(b) Unlawfully applying graffiti is a Class A violation. Upon a conviction for unlawfully applying graffiti, a court, in addition to any fine it imposes and pursuant to ORS 137.128 but notwithstanding ORS 137.129, may order the defendant to perform up to 100 hours of community service. The community service must include removing graffiti, either those that the defendant created or those created by another, or both.

(c) If the court orders community service, the community service must be completed within six months after entry of the order unless the person shows good cause why community service cannot be completed within the six-month time period.

(3) *Unlawfully possessing graffiti implement.*

(a) A person commits the offense of unlawfully possessing a graffiti implement if the person possesses a graffiti implement with the intent of

using the graffiti implement in violation of ORS 164.383.

(b) Unlawfully possessing a graffiti implement is a Class C violation. Upon a conviction for unlawfully possessing a graffiti implement, a court, in addition to any fine it imposes and pursuant to ORS 137.128 but notwithstanding ORS 137.129, may order the defendant to perform up to 50 hours of community service. The community service must include removing graffiti, either those that the defendant created or those created by another, or both.

(c) If the court orders community service, the community service must be completed within six months after entry of the order unless the person shows good cause why community service cannot be completed within the six-month time period.

(B) *Removal.* Upon graffiti being placed in violation of this section, the owner, person in charge, or their designee shall remove the graffiti from public view within 72 hours of either the graffiti being placed, or notification by the city to remove the graffiti. If the graffiti is not removed from public view within the allotted 72 hours, the city will cause the graffiti to be removed from public view, charging the property owner costs in time and materials plus a 20% administrative fee.

(Ord. 2005-07, passed 11-28-05)

CHAPTER 133: MORALS OFFENSES

Section

- 133.01 Prostitution
- 133.02 Public indecency
- 133.03 Violating privacy of another
- 133.04 Accosting for deviate purposes
- 133.05 Obscenity and related offenses
- 133.06 Gambling; off track betting

§ 133.01 PROSTITUTION.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PLACE OF PROSTITUTION. Any place where prostitution is practiced.

PROSTITUTE. A male or female person who engages in sexual conduct for a fee.

PROSTITUTION ENTERPRISE. An arrangement whereby two or more prostitutes are organized to conduct prostitution activities.

SEXUAL CONDUCT. Sexual intercourse or deviate sexual intercourse.

(B) *Prostitution.* No person shall engage in or offer or agree to engage in sexual conduct in return for a fee.

(C) *Promoting prostitution.* No person shall, with intent to promote prostitution, knowingly:

(1) Own, control, manage, supervise, or otherwise maintain a place of prostitution or a prostitution enterprise.

(2) Induce or cause a person to engage in prostitution or to remain in a place of prostitution.

(3) Receive or agree to receive money or other property, other than as a prostitute being compensated for personally rendered prostitution services, pursuant to an agreement or understanding that the money or other property is derived from a prostitution activity.

(4) Engage in any conduct that institutes, aids, or facilitates an act or enterprise of prostitution.

(D) *Compelling prostitution.* No person shall knowingly:

(1) Use force or intimidation to compel another to engage in prostitution.

(2) Induce or cause a person under 18 years of age to engage in prostitution.

(3) Induce or cause his spouse, child, or step child to engage in prostitution.

(E) *Promoting and compelling prostitution; corroboration.* A person shall not be convicted under divisions (C) or (D) of this section solely on the uncorroborated testimony of the person whose prostitution he is alleged to have promoted or compelled.

(F) *Evidence.*

(1) On the issue of whether a place is a place of prostitution, as defined in division (A) of this section, its general repute and repute of persons who reside in or frequent the place shall be competent evidence.

(2) Notwithstanding current Oregon State Statute, as hereafter modified or amended, in any prosecution under divisions (C) and (D) of this section, spouses are competent and compellable witnesses for or against either party.

(Ord. 71-54, passed 12-13-71; Am. Ord. 99-17, passed 11-8-99) Penalty, see § 130.99

§ 133.02 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 genitals with the intent of arousing the sexual desire of himself or another person.

(Ord. 71-54, passed 12-13-71) Penalty, see § 130.99

§ 133.03 VIOLATING PRIVACY OF ANOTHER.

No person, other than an officer performing a lawful duty, shall enter upon land or into a building used in whole or part as a dwelling not his own without permission of the owner or person entitled to possession thereof, and while so trespassing look through or attempt to look through a window, door, or transom of the dwelling with the intent to violate the privacy of any other person.

(Ord. 71-54, passed 12-13-71) Penalty, see § 130.99

§ 133.04 ACCOSTING FOR DEVIATE PURPOSES.

No person shall accost another for deviate purposes while in a public place by inviting or requesting him to engage in deviate sexual intercourse.

(Ord. 71-54, passed 12-13-71) Penalty, see § 130.99

§ 133.05 OBSCENITY AND RELATED OFFENSES.

Current Oregon Revised Statutes, as hereafter modified or amended, is hereby adopted by reference and made a part of this title, save and except penalty provisions.

(Ord. 71-54, passed 12-13-71; Am. Ord. 99-17, passed 11-8-99) Penalty, see § 130.99

§ 133.06 GAMBLING; OFF TRACK BETTING.

(A) Article 30 of the Oregon Criminal Code of 1971 (O.R.S. 167.117 - 167.162) is hereby adopted by reference and made a part of this title, save and except penalty provisions. (Ord. 71-54, passed 12-13-71; Am. Ord. 72-11, passed 3-27-72)

(B) In accordance with O.R.S. 462.520(3), off racecourse mutual wagering within the city limits is hereby prohibited. (Ord. 88-31, passed 1-10-89) Penalty, see § 130.99

CHAPTER 134: OFFENSES INVOLVING MINORS

Section

- 134.01 Curfew
- 134.02 Sexual misconduct with minors
- 134.03 Soliciting or causing delinquent acts by minor
- 134.04 Minors generally

- 134.99 Penalty

(D) Any police officer is authorized to take a minor who is violating a provision of this section into custody as provided by O.R.S. 419C.680. (Ord. 95-36, passed 7-10-95; Am. Ord. 95-41, passed 9-11-95) Penalty, see § 134.99

§ 134.02 SEXUAL MISCONDUCT WITH MINORS.

§ 134.01 CURFEW.

(A) No minor under 18 years of age shall be in or upon any street, highway, park, alley, or other public place, between the hours specified in division (B) unless:

(1) The minor is accompanied by a parent, guardian or other person 21 years of age or over and authorized by the parent or by law to have custody of the minor.

(2) The minor is engaged in a lawful pursuit or activity which requires the minor's presence upon the street, highway, park, alley or other public place, and the minor has written authorization from a parent or guardian to be in a public place at that time.

(3) The minor is emancipated under O.R.S. 419B.550 to 419B.558.

(B) For the purposes of this section, the applicable hours of curfew are the hours between 12:00 a.m. (midnight) and 4:00 a.m. of the following morning.

(C) No parent, guardian, or other person having legal custody of a minor under the age of 18 years shall permit the minor to be in violation of this section.

(A) No male person 18 years of age or older shall engage in sexual intercourse with a female (other than his wife) under 18 years of age.

(B) No female person 18 years of age or older shall engage in sexual intercourse with a male (other than her husband) under 18 years of age.

(C) No person 18 years of age or older shall engage in deviate sexual intercourse with another person (not his or her spouse) under 18 years of age or cause that person to engage in deviate sexual intercourse.

(Ord. 71-54, passed 12-13-71) Penalty, see § 134.99

§ 134.03 SOLICITING OR CAUSING DELINQUENT ACTS BY MINOR.

No person shall solicit, aid, abet, or cause a person under the age of 18 years to:

(A) Violate a law of the United States, or of a state, or to 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.
(Ord. 71-54, passed 12-13-71) Penalty, see § 134.99

§ 134.04 MINORS GENERALLY.

(A) No person shall distribute or give away samples of medicine or drugs unless the medicine or drug is manually delivered to a person 21 years of age or more or mailed to such a person through the United States mail.

(B) No person shall employ a person under 21 years of age in or about a beer parlor, liquor establishment, card room, or dance hall.

(C) No person under 21 years of age shall enter, visit, or loiter in or about a tavern or bar. No person operating or assisting in the operation of a tavern, bar, or any public place where alcoholic beverage is sold or consumed may permit a person under 21 years of age to loiter therein or permit him to engage in any game of cards, billiards, pool, dice, pinballs, darts, games of like character, or games of chance either for amusement or otherwise.

(D) No person shall sell, barter, trade, give, or in any manner furnish to a person under the age of 18 years for his consumption, cigars, cigarettes, or tobacco in any form or any compound in which tobacco forms a component part.

(E) No person under the age of 18 years shall smoke, use, or possess a cigar, cigarette, or tobacco in any form in any public place.

(F) No person shall falsely represent his age in order to obtain cigars, cigarettes, or tobacco, or in order to engage in games, or loiter in places proscribed by division (C) of this section.
(Ord. 71-54, passed 12-13-71) Penalty, see § 134.99

§ 134.99 PENALTY.

(A) Whoever violates any provision of this chapter for which no specific penalty is otherwise provided shall be subject to the penalty provisions of § 130.99.

(B) Violation of § 134.01(C) by a parent, guardian, or person having legal custody of a minor is punishable by a fine not to exceed \$100. (Ord. 95-31, passed 7-10-95)

CHAPTER 135: DRUG AND ALCOHOL OFFENSES

Section

- 135.01 Drug-free zones
- 135.02 Narcotic and dangerous drugs
- 135.03 Adoption of state liquor laws
- 135.04 Public drinking and intoxication
- 135.05 Possession of alcoholic liquor in certain places

- 135.99 Penalty

trespass in the second degree pursuant to O.R.S. 164.245.

(C) *Issuance of exclusion notices.*

(1) The Chief of Police is designated as the person in charge of the public streets, sidewalks, public property and public ways in drug-free zones for the purposes of issuing notices in accordance with this section. The Chief of Police may authorize employees of the Police Department to issue exclusion notices in accordance with this section.

§ 135.01 DRUG-FREE ZONES.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CONTROLLED SUBSTANCE. Those substances as defined in O.R.S. 475.992.

SEASIDE DRUG-FREE ZONE. The area bounded by the north side of 1st Avenue to the south side of Avenue A, thence from the west side of the Prom to the east side of Roosevelt Drive which includes all public streets, sidewalks and parking lots inside the zone.

(B) *Civil exclusion.*

(1) A person is subject to exclusion for a period of 90 days from the public streets, sidewalks, public property and other public ways in the designated drug-free zone if that person has been arrested or otherwise taken into custody for the unlawful distribution, use, or possession of a controlled substance.

(2) If a person excluded from a drug-free zone is found therein during the exclusion period, that person is subject to immediate arrest for criminal

(2) At the time a person is arrested for unlawful distribution, use, or possession of a controlled substance within a drug-free zone, the officer making such arrest may deliver a written notice excluding the person from the drug-free area. The notice shall specify the area from which the person is excluded and containing the information concerning the right to appeal the exclusion notice to the city manager or his/her designate. The person to whom the exclusion notice is issued shall sign a written acknowledgment of the receipt of the exclusion notice. If the person refuses to do so, the arresting officer shall make a written record of the refusal.

(D) *Appeal and variance.* This section provides for the person to whom the notice of exclusion was issued to have a right to appeal the notice.

(1) An appeal of the exclusion must be filed in writing within five calendar days of issuance. The hearing on the appeal will be held within five calendar days of the receipt of the appeal.

(2) If no appeal is taken, the exclusion will take effect on the day after the notice's issuance. If an appeal is taken, the expulsion shall be stayed during the pendency of the appeal.

(3) The city shall have the burden to show by a preponderance of evidence that the exclusion is based on conduct proscribed by O.R.S. 475.992. Copies of documents in its control and which are intended to be used by the city at the hearing shall be made available to the appellant at least two days prior to the hearing. A determination by a court having jurisdiction of the matter, that the officer who issued the exclusion notice, at the time had probable cause to arrest the person to whom the notice was issued for violation of O.R.S. 475.992, shall be prima facie evidence that the exclusion was based on conduct proscribed in that statute.

(4) Variances from the exclusion may be granted at any time during the exclusion period by either the City Manager or designate, only for reasons relating to health or well being of the person excluded.

(a) All variances shall be in writing, for a specific purpose, all of which shall be stated on the variance. The person shall keep the variance on his or her person at all times the person is within the drug-free zone. In the event a person with a variance is found to be outside the scope of the variance's terms, the variance shall immediately become void and that the person is thereupon subject to arrest for trespass.

(b) In the event a person holding a variance is arrested for conduct prohibited by state or federal law involving controlled substances, the variance shall immediately become void and that person shall become ineligible for any new variances for a period of one year from the date of the arrest. (Ord. 94-31, passed 11-28-94) Penalty, see § 135.99
Cross-reference:

Drug-free zone signs authorized, see § 70.09

§ 135.02 NARCOTIC AND DANGEROUS DRUGS.

No person shall, without proper authority, sell, use or possess, for any purpose whatsoever, any narcotic drugs or dangerous drugs, as now or hereafter defined by the state.

(Ord. 71-54, passed 12-13-71) Penalty, see § 135.99

§ 135.03 ADOPTION OF STATE LIQUOR LAWS.

The city does hereby adopt the law of the state and any amendments or additions thereto, as concerns the control of alcoholic liquors and beverages; and any violation thereof shall be deemed a violation of this chapter and punishable as herein set forth.

(Ord. 71-54, passed 12-13-71; Am. Ord. 93-24, passed 6-14-93) Penalty, see § 135.99

§ 135.04 PUBLIC DRINKING AND INTOXICATION.

(A) No person shall drink any intoxicating liquor upon any street, in a motor vehicle, or in any public place in the city, except as provided in division (B) of this section.

(B) No person shall drink or consume alcoholic liquor in a park, except liquor other than hard liquor in designated picnic areas.

(C) Nothing in this section shall be deemed to prohibit drinking of any intoxicating liquor in any establishment wherein the same may be sold for premise consumption under the laws of the state.

(D) Consumption of alcoholic beverages exceeding 14% alcoholic content is prohibited on the ocean shore within the city limits except when under OLCC license and State Parks and Recreation Department permit. The consumption of alcoholic beverages is prohibited on the ocean shore within the city limits during state schools spring break.

(Ord. 71-54, passed 12-13-71; Am. Ord. 95-02, passed 1-23-95; Am. Ord. 95-43, passed 9-25-95; Am. Ord. 2000-08, passed 10-9-00) Penalty, see § 135.99

§ 135.05 POSSESSION OF ALCOHOLIC LIQUOR IN CERTAIN PLACES.

It shall be unlawful for any person to have in his possession upon the streets, the beach, or Promenade,

within the corporate limits of the city, any alcoholic liquor in a container, the seal of which has been broken so that the contents of the container may be consumed in any of said places.

(Ord. 71-54, passed 12-13-71) Penalty, see § 135.99

§ 135.99 PENALTY.

(A) Whoever violates any provision of this chapter for which no specific penalty is otherwise provided shall be subject to the penalty provisions of § 130.99.

(B) Violation of the conditions of the notice of exclusion from the drug-free zone described in § 135.01 is a Class C misdemeanor and provides for a maximum penalty of a \$500 fine and 30 days in jail. (Ord. 94-31, passed 11-28-94)

CHAPTER 136: OFFENSES INVOLVING CIVIL DISOBEDIENCE OR RIOT CONDITIONS

Section

136.01 Civil disobedience or riot conditions

(D) The exclusionary process and appeal will be the same as used in Chapter 135 for the drug free zone.

(Ord. 99-19, passed 12-13-99)

§ 136.01 CIVIL DISOBEDIENCE OR RIOT CONDITIONS.

The City Manager or designee shall have the authority to invoke the provisions of this chapter when in their opinion it is necessary for the safety and well being of persons and property.

(A) No person or group shall bring upon or cause to bring upon the sidewalks, streets, alleys, parks or any public place located in the downtown core area bounded by Roosevelt Drive to the east, Avenue 'A' to the south, the Promenade and Turnabout to the west, and First Avenue to the north, weapons (except law enforcement officers), controlled substances, as defined in Oregon Criminal Code, alcoholic beverages, glass containers, or any other object that may be used as a weapon, without the expressed written consent of the City Manager or designee.

(B) No person or group shall participate in loud rude and/or unreasonable behavior; disturb the public peace; obstruct the use and enjoyment of any establishment, area or event; act in a disorderly manner or participate in any behavior or activity which in the opinion of the City Manager or designee may affect the safety and well-being of persons or property located within the downtown area including areas adjoining the designated area.

(C) Any person or group violating the above referenced rules is subject to immediate exclusion from the area as is prescribed in Chapter 135 and subject to arrest for criminal trespass in the second degree if found in the excluded area.

