

Title 9

PUBLIC PEACE, MORALS AND WELFARE

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Chapter 9.04

GENERAL PROVISIONS

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- 9.04.010 Offenses outside city limits.
- 9.04.020 Soliciting or confederating to violate ordinances.
- 9.04.030 Attempt to commit offenses.
- 9.04.040 Separate violations.
- 9.04.050 Violation--Penalty.
- 9.04.060 Nuisance abatement.

9.04.010 Offenses outside city limits.

If permitted by Oregon 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. 196 § 56, 1985)

9.04.020 Soliciting or confederating to violate ordinances.

No person shall solicit, aid, abet, employ or engage another, or confederate with another to violate a provision of this title or any other ordinance of the city. (Ord. 196 § 57, 1985)

9.04.030 Attempt to commit offenses.

A person who attempts to commit an offense mentioned in this title or any ordinance of the city but who, for any reason, is prevented from consummating such act shall be considered guilty of an offense. (Ord. 196 § 58, 1985)

9.04.040 Separate violations.

When 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 doing an act is required, or the failure to do an act is declared to be unlawful or an offense, each day a violation continues constitutes a separate offense. (Ord. 196 § 59, 1985)

9.04.050 Violation--Penalty.

Violation of Section 9.20.010 of this title is punishable by a fine not to exceed five thousand dollars (\$5000.00). Violation of any other provision of this title is punishable by a fine not to exceed five thousand dollars (\$5000.00) or by imprisonment not to exceed one year, or by both. However, if a violation of a provision is identical to a state statute with a lesser penalty, punishment shall be limited to the lesser penalty prescribed in state law. (Ord. 307 § 4, 2002: Ord. 196 § 60, 1985)

9.04.060 Nuisance abatement.

No provision in this title shall preclude abatement of a nuisance as provided in the general nuisance ordinance of the city. (Ord. 196 § 61, 1985)

Chapter 9.08

OREGON CRIMINAL STATUTES ADOPTED

Sections:

9.08.010 Oregon Criminal Code adopted.

9.08.010 Oregon Criminal Code adopted.

A. Oregon Revised Statutes Chapters 161, 162, 163, 164, 165, 166, and 167 as they currently exist, except for any provision classified as a felony under the state law, are adopted by reference. Violation of an adopted provision of those chapters is an offense against this city.

B. The provisions of Oregon Revised Statutes, Chapter 161, relating to defenses, burden of proof, general principles of criminal liability, parties, and general principles of justification apply to offenses defined and made punishable by this title. (Ord. 307 § 1, 2002: Ord. 196 § 1, 1985)

Chapter 9.12

OFFENSES BY OR AGAINST PUBLIC OFFICERS AND GOVERNMENT

Sections:

9.12.010 False reports.

9.12.020 Police and fire communications.

9.12.010 False reports.

No person shall knowingly make or file a false, misleading or unfounded statement or report concerning the violation or alleged violation of a city ordinance or the commission or alleged commission of a crime with the law enforcement agency, the city attorney, or a law enforcement officer engaged in official duties. (Ord. 196 § 41, 1985)

9.12.020 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 law enforcement agency or fire department radio communication system. (Ord. 196 § 43, 1985)

Chapter 9.16

OFFENSES AGAINST PUBLIC PEACE AND DECENCY

Sections:

Article I. Disorderly Conduct--Sexual and Related Offenses

9.16.010 Disorderly conduct at fires.

9.16.020 Drinking in public places.

9.16.030 Public indecency.

Article II. Offenses Relating to Animals

9.16.040 Cruelty to animals.

9.16.050 Poisoning animals.

Article I. Disorderly Conduct--Sexual and Related Offenses

9.16.010 Disorderly conduct at fires.

A. No person at or near a fire shall obstruct or impede the 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 department or law enforcement authority.

B. For purposes of this section, members of the fire department are endowed with the same powers of arrest as are conferred on peace officers for violations of city ordinances. (Ord. 196 § 2, 1985)

9.16.020 Drinking in public places.

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. Provided, however, consumption of alcoholic liquor is permitted in a park when a permit has been obtained from the council. (Ord. 196 § 3, 1985)

9.16.030 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 himself or herself or another person;

D. An act of urination or defecation except in toilets provided for that purpose. (Ord. 196 § 26, 1985)

Article II. Offenses Relating to Animals

9.16.040 Cruelty to animals.

- A. Except as otherwise authorized by law, no person shall intentionally or recklessly:
 - 1. Subject any animal under human custody or control to cruel mistreatment;
 - 2. Subject any animal under his or her custody or control to cruel neglect;
 - 3. Kill without legal privilege any animal under the custody or control of another, or any wild bird.
- B. As used in this section, "animal" includes birds. (Ord. 196 § 36, 1985)

9.16.050 Poisoning animals.

No person shall put out or place poison where it is liable to be eaten by cattle, sheep, horses, hogs, dogs, or other domestic animals. (Ord. 196 § 37, 1985)

Chapter 9.20

OFFENSES AGAINST PROPERTY

Sections:

9.20.010 Notices and advertisements.

9.20.010 Notices and advertisements.

No person shall attach or cause to be attached a placard, bill, advertisement, or poster upon real or personal property, whether public or private, without first securing permission from the owner, or person in control of the property. This section shall not be construed as an amendment to or a repeal of any city regulation of the use and location of signs. (Ord. 196 § 51, 1985)

Chapter 9.24

WEAPONS AND EXPLOSIVES

Sections:

9.24.010 Discharge of weapons.

9.24.020 Fireworks.

9.24.030 Explosives.

9.24.010 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 air-actuated pellet gun, air gun, BB gun, or other weapon that propels a projectile by use of gunpowder or other explosive, jet or rocket propulsion, or sling shots or bows and arrows. (Ord. 196 § 17, 1985)

9.24.020 Fireworks.

The following sections of the Oregon Fireworks Law are adopted by reference and made a part of this chapter: ORS 480.110, 480.120, 480.130, 480.140(1) and 480.150. (Ord. 307 § 3, 2002; Ord. 196 § 18, 1985)

9.24.030 Explosives.

A. No person shall set off or use explosives within the city unless a permit is first obtained as provided in this section.

B. "Explosive" means a chemical compound, mixture, or device that is commonly used or intended for the purpose of producing a chemical reaction resulting in a substantially instantaneous release of gas and heat, including but not limited to dynamite, blasting powder, nitroglycerin, blasting caps, and nitro jelly, but excluding fireworks as defined by ORS 480.110(1).

C. An application for a permit required by subsection A of this section shall be filed with the city no later than forty-five (45) days before the explosives are to be used. The forty-five (45) day time limit may be waived by the council. The application shall include the names of all persons that are to be directly involved with the use of the explosives, a description of the property or place where the explosives are to be used, proof that all applicable provisions of ORS Chapter 480 are complied with, a brief explanation as to what the explosives are to be used for or on, and the name and signature of the legal owner of the place or property where the explosives are to be used.

D. The council, at the next regularly scheduled meeting after the application is filed, shall consider the permit and may deny the permit if the activity would endanger the health, safety, and welfare of the community; or may approve the permit. A permit may be approved with conditions or limitations to protect the health, safety, and welfare of the community. (Ord. 196 § 19, 1985)

Chapter 9.28

CURFEW

Sections:

- 9.28.010 Curfew imposed.
- 9.28.020 Parental responsibility.
- 9.28.030 Police custody.
- 9.28.040 Subsequent violations.

9.28.010 Curfew imposed.

No person under eighteen (18) years of age may be upon any street, highway, park, alley, or other public place between the hours of 10:00 p.m. to 6:00 a.m. (winter hours) the day after Labor Day through Memorial Day and 11:00 p.m. to 5:00 a.m. (summer hours) the day after Memorial Day through Labor Day unless:

- A. Such minor is accompanied by a parent, guardian or other person twenty-one (21) years of age or over authorized by the parent by law to have custody of the minor; or
- B. The minor is engaged in lawful pursuit of activity that requires the minor's presence in such public place; or
- C. The minor is emancipated pursuant to ORS 419B.550 et seq. (Ord. 307 § 5, 2002; Ord. 279 § 1, 1999; Ord. 263 § 1, 1995; Ord. 254 § 1, 1994)

9.28.020 Parental responsibility.

A. 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 Section 9.28.010.

B. Violating parental responsibility under this section is a violation subject to a maximum fine of two hundred fifty dollars (\$250.00). (Ord. 254 § 2, 1994)

9.28.030 Police custody.

Any police officer is authorized to take into custody a minor violating any provision of Section 9.28.010. The minor taken into custody may be taken by the officer to the police station. The officer shall use due diligence to find the parent or guardian or person having custody of the minor, and shall release the minor to such person at the police station. Ord. 254 § 3, 1994)

9.28.040 Subsequent violations.

Upon a subsequent violation the minor shall be taken home by the officer and the parent or guardian or person having legal custody shall be served with a subpoena to appear before the Mill City municipal court with the minor to show cause why Section 9.28.010 has been violated a second time. At this time the municipal court upon a finding of a second violation may impose the civil penalty set forth in Section 9.28.020. (Ord. 254 § 4, 1994)