

ORDINANCE NO. 222

AN ORDINANCE PRESCRIBING GENERAL OFFENSES; PROVIDING PENALTIES; AND REPEALING ORDINANCES NO. 29, 39, 41, 46, 60, and 124.

The Town of Canyon City ordains as follows:

Section 1. Oregon Criminal Code Adopted.

(1) Oregon Revised Statutes chapters 161, 162, 163, 164, 165, 166, and 167, 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.

(2) 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 ordinance.

(3) Except where the context clearly indicates a different meaning, the definitions appearing in the general definitional and other particular sections of the chapters adopted by subsection (1) above are applicable throughout this ordinance.

Disorderly Conduct and Related Offenses

Section 2. Disorderly Conduct at Fires. 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.

Section 3. Unnecessary 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.

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

(2) 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.

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

(4) Construction, excavation, demolition, alteration or repair of a building between the hours of 6:00 p.m. and 7:00 a.m., except by special permit granted by the city.

(5) Using or operating a radio, phonograph, loudspeaker or other 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 responsible persons or organizations to broadcast music, news, speeches or general entertainment.

Section 4. Disturbance of Lawful Assembly. No person shall knowingly interrupt or disturb any lawful assembly, either public or private, by any offensive acts committed within the assembly or so near it as to disturb the order of the meeting.

(Sections 5 to 15 reserved for expansion)

Weapons, Fireworks, and Explosives

Section 16. 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 gun powder or other explosive, jet or rocket propulsion, or sling shots or bows and arrows.

Section 17. Fireworks. The following sections of the Oregon Fireworks Law are adopted by reference and made a part of this ordinance: ORS 480.110, 480.120, 480.130, 480.140(1), 480.150, 480.152 and 480.170.

Section 18. Explosives.

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

(2) "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).

(3) An application for a permit required by subsection (1) shall be filed with the city no later than 45 days before the explosives are to be used. The 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.

(4) 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.

(Sections 19 to 25 reserved for expansion)

Sexual and Related Offenses

Section 26. Public Indecency. No person shall, while in or in view of a public place, perform an act of urination or defecation except in toilets provided for that purpose.

(Sections 27 to 30 reserved for expansion)

Offenses Relating to Minors

Section 31. Curfew.

(1) No person under 18 years of age shall be upon a street, alley, or other public place during curfew hours unless accompanied by a parent, guardian, spouse, or other adult having care and custody of the minor, or unless the minor is emancipated pursuant to ORS 109.550.

(2) Curfew hours are between 10:00 p.m. and 5:00 a.m. of the next day, except on Friday and Saturday nights, when curfew hours are 11:59 p.m. and 5:00 a.m. of the next day.

(3) Nothing in subsection (1) shall apply to a minor under 18 years of age engaged in traveling to and from a place of employment or religious meeting or while on an errand of mercy or emergency under the direction of a .

parent, guardian, or other adult having care and custody of the minor.

(4) No parent, guardian, or person having legal custody of an unemancipated minor under the age of 18 years shall allow the minor to be in or on a street, highway, park, alley, or other public place between the hours specified in subsection (2) except as provided otherwise in subsection (3).

(Sections 32 to 35 reserved for expansion)

Offenses Relating to Animals

Section 36. 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.

(Sections 37 to 40 reserved for expansion)

Obstructing Governmental Administration

Section 41. 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.

Section 42. Resisting or Refusing to Aid Officer.

(1) No person shall resist a law enforcement officer acting in the performance of official duties; or, when requested to do so, refuse to assist such officer in the performance of official duties; or hinder, delay or obstruct the officer acting in the performance of his duties.

(2) As used in this section, "resist" refers to the ordinary meaning of the term.

(3) It is no defense to a prosecution under this section that the officer lacked legal authority to make an arrest if the officer was acting under color of official authority.

Section 43. 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.

(Sections 44 to 50 reserved for expansion)

Miscellaneous

Section 51. 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.

Section 52. Obstructing Passageways. No person shall, except as otherwise permitted by ordinance, obstruct, cause to be obstructed or assist in obstructing pedestrian or vehicular traffic on any sidewalk or street.

(Sections 53 to 55 reserved for expansion)

General

Section 56. Offenses Outside City Limits. If permitted by Oregon law, an act made unlawful by this ordinance constitutes an offense when committed on property owned or leased by the city that is outside the corporate limits of the city.

Section 57. 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 or any other ordinance of the city.

Section 58. Attempt to Commit Offenses. A person who attempts to commit an offense mentioned in this ordinance or any ordinance of the city but who, for any reason, is prevented from consummating such act shall be considered guilty of an offense.

Section 59. Separate Violations. When in this ordinance, 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.

Section 60. Penalties. Violation of a provision of this ordinance is punishable by a fine not to exceed \$500 or by imprisonment not to exceed 30 days, 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.

Section 61. Nuisance Abatement. No provision in this ordinance shall preclude abatement of a nuisance as provided in the general nuisance ordinance of the city.

Section 62. Severability. Invalidity of a section or a part of a section of this ordinance shall not affect the validity of the remaining sections or parts of sections.

Section 63. Repeal. Ordinance No. 29, enacted June 10, 1899; Ordinance No. 39, enacted May, 1900; Ordinance No. 41, enacted October 6, 1900; Ordinance No. 46, enacted September 26, 1902; Ordinance No. 60, enacted May 31, 1907; and Ordinance No. 124, enacted June 24, 1949, are repealed.

Section 64. Saving Clause. Notwithstanding section 63, ordinances repealed shall remain in force to authorize the arrest, prosecution, conviction and punishment of a person who violated the ordinances prior to the effective date of this ordinance.

Passed by the council and approved by the mayor October 22, 1986.