

ORDINANCE NO. 450

*Sec 38
added by
Ord. 495**Sec 5-8
Subst 3 amended
+ Subsection 4
added by 528*

AN ORDINANCE PROSCRIBING GENERAL OFFENSES; PROVIDING PENALTIES; AND REPEALING ORDINANCES NO. 285, 346 AS AMENDED, AND 400.

The city of Willamina, Oregon, ordains as follows:

Section 1. Definitions. The definitions contained in the Oregon Criminal Code of 1971, as now or hereafter constituted, are adopted by reference and made a part of this ordinance. Except where the context clearly indicates a different meaning, the general definitions and the definitions appearing in the definitional and other sections of particular articles of the Code shall be applicable throughout this ordinance.

Disorderly Conduct and Related Offenses

Section 2. 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.

Section 3. Menacing. No person shall, by word or conduct intentionally attempt to place another person in fear of imminent serious physical injury.

Section 4. Disorderly Conduct. No person shall with intent to cause public inconvenience, annoyance or alarm, or by recklessly creating a risk thereof:

- (1) Engage in fighting or in violent, tumultuous or threatening behavior.
- (2) Use abusive or obscene language or make an obscene gesture in a public place.
- (3) Disturb any lawful assembly of persons without lawful authority.
- (4) Obstruct vehicular or pedestrian traffic in or on a public way or public place.
- (5) Congregate with other persons in a public place and refuse to comply with a lawful order of the police to disperse.

(6) Initiate or circulate a report, knowing it to be false, concerning an alleged or impending fire, explosion, crime, catastrophe or other emergency.

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

Section 5. Disorderly Conduct at Fires.

(1) 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 or police department.

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

Section 6. Drinking in Public Places. No person shall drink or consume alcoholic liquor in or upon a street, alley, mall, parking lot or structure, motor vehicle, public grounds or other public place unless such place has been licensed for that purpose by the Oregon Liquor Control Commission. Provided, however, consumption of alcoholic liquor in the park shall be permitted where a permit therefor has been received from the council.

Section 7. Loitering. No person shall loiter in or about a public place frequented by children, including swimming pools, school bus stops, playgrounds and parks and public premises adjacent thereto, for the purpose of annoying, bothering or molesting children.

Section 8. Harassment. No person shall, with intent to harass, annoy or alarm another person:

(1) Subject another to offensive physical contact.

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

(3) 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.

Section 9. Abuse of Venerated Objects.

(1) No person shall intentionally abuse a public monument or structure, a place of worship or burial, or the national or state flag.

(2) As used in this section, "abuse" means to deface, damage, defile or otherwise physically mistreat in a manner likely to outrage public sensibilities.

(Sections 10 to 20 reserved for expansion.)

Weapons and Fireworks

Section 21. Concealed Weapons. Except as provided in ORS 166.260 and 166.290, as now constituted and hereafter amended, no person shall carry concealed about his person or carry concealed in a vehicle a revolver, pistol or other firearm; or any knife other than an ordinary pocket knife; any dirk, dagger or stiletto; any metal knuckles; or any other weapon by the use of which injury could be inflicted upon the person or property of another. For purposes of this section, an ordinary pocket knife is one with a maximum blade length of three and one-half inches which is not a switchblade or spring-blade knife.

Section 22. Discharge of Weapons. Except on a firing range approved by the council, no person other than a peace officer shall fire or discharge a gun, including spring- or air-actuated pellet guns, air guns or BB guns, or other weapon which propels a projectile by use of gunpowder or other explosive, jet or rocket propulsion.

Section 23. Pointing a Firearm at Another. No person over the age of 12 years shall with or without malice purposely point or aim any loaded or empty pistol, revolver or other firearm at or toward another person within range of said weapon, except in self-defense. "Firearm" means a weapon, by whatever name known, which is designed to expel a projectile by the action of black or smokeless powder and is capable of use as a weapon.

Section 24. Fireworks. The following sections of the Oregon Fireworks Law, 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 ordinance: ORS 480.110, 480.120, 480.130, 480.140(1), 480.150 and 480.170.

(Sections 25 to 34 reserved for expansion.)

Offenses Relating to Property

Section 35. Trespass. No person shall enter or remain unlawfully in or upon premises.

Section 36. Violating Privacy Of Another. No person other than a peace officer performing a lawful duty shall enter upon land or into a building used in whole or in 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 or that part of the building used as a dwelling with the intent to violate the privacy of any other person.

Section 37: Mischief.

(1) No person shall, with intent to cause substantial inconvenience to the owner or to another person, and having no right to do so nor reasonable grounds to believe that he has such right, tamper or interfere with property of another.

(2) No person shall, while having no right to do so nor reasonable grounds to believe that he has such right, intentionally damage property of another or recklessly damage property of another.

(Sections 38 to 45 reserved for expansion.)

Sexual and Related Offenses

Section 46. Public Nudity Display.

(1) No person shall wilfully and publicly display his person in such a manner that it becomes a nudity display.

(2) "Publicly display," means the exposing, placing, exhibiting or in any fashion displaying in any location, whether public or private, an item in such a manner that it can be readily seen and its content or character distinguished by normal unaided vision viewing it from a public thoroughfare or vehicle.

(3) "Nudity" means uncovered, or less than opaquely covered, post pubertal human genitals, [pubic] areas and the post pubertal human female breast above the areola.

Section 47. Public Indecency. No person shall while in or in view of a public place perform:

- (1) An act of sexual intercourse.
- (2) An act of deviate sexual intercourse.
- (3) An act of urination or defecation except in toilets provided for that purpose.

Section 48. Obscenity. No person shall, with knowledge of the character of the material:

- (1) Print, publish, sell or distribute any obscene book, magazine, pamphlet, picture, drawing, photograph or other material of obscene character.
- (2) Permit any show, play, entertainment or motion picture which is of any obscene character in or at any place which is under his control.
- (3) "Obscenity" is to be construed as defined in ORS 167.060 to 167.095..

(Sections 49 to 55 reserved for expansion.)

Offenses Relating to Minors

Section 56. Child Neglect.

- (1) No person having custody or control of a minor child under 10 years of age shall, with criminal negligence, leave 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.
- (2) It shall be lawful and the duty of a policeman or other peace officer finding a child confined in violation of the terms of this section to enter the place and remove the child, using such force as is reasonably necessary to effect an entrance to such place where the child may be confined in order to remove the child.
- (3) "Place" shall include but not be restricted to vehicles.

Section 57. Endangering Welfare of Minor.

- (1) No person shall employ a person under 18 years of age in or about a cardroom, poolroom, billiard parlor or dance hall, unless the establishment is a "recreational facility" as defined in Subsection (3) of Section 58.
- (2) No person shall solicit, aid, abet or cause a person under 18 years of age to:
 - (a) Violate a law of the United States, or a state, or to violate a city or county ordinance.
 - (b) Run away or conceal himself from a person or institution having lawful custody of the minor.

*sect 58
Repealed
by 150*

Section 58. Places of Amusement.

(1) No person under 18 years of age shall enter, visit or loiter in or about a public cardroom, poolroom or billiard parlor.

(2) No person operating or assisting in the operation of a public cardroom, poolroom, billiard parlor or public place of amusement shall permit a person under 18 years of age to engage therein in any game of cards, pool, billiards, dice, darts, pinball, games of like character, or games of chance, either for amusement or otherwise.

(3) This section shall not apply to the playing of billiards or pool in a recreational facility. As used in this section, a "recreational facility" means an area, enclosure or room in which facilities are offered to the public to play billiards or pool for amusement only, and:

(a) Which is clean, adequately supervised, adequately lighted and ventilated;

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

(c) Access to which does not require passing through a room where alcoholic liquor is sold or consumed.

Section 59. Tobacco Sales to Minors. No person shall sell, or cause to be sold, tobacco in any form to a person under 18 years of age. Violation of this provision shall be punishable by a fine not to exceed \$50.00.

Section 60. Purchasing Property of Minors. No person shall purchase property or an article of value from a minor or have dealings respecting the title of property in the possession of a minor without the written consent of the parent or guardian of the minor.

(Sections 61 to 70 reserved for expansion.)

Offenses Relating to Animals

Section 71. Cruelty to Animals.

(1) 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, or any wild bird.

(2) As used in this section, "animal" includes birds.

Section 72. Poisoning of Animals. No person shall put out or place any poison where the same is liable to be eaten by any horse, cattle, sheep, hog, dog or other domestic animal.

(Sections 73 to 80 reserved for expansion.)

Obstructing Governmental Administration

Section 81. Unsworn Falsification. No person shall knowingly make any false written statement to a public servant in connection with an application for any benefit.

Section 82. Obstructing Governmental Administration.

(1) No person shall intentionally obstruct, impair or hinder the administration of law or other governmental function by means of intimidation, force or physical interference or obstacle.

(2) This section shall not apply to the obstruction of unlawful governmental action or interference with the making of an arrest.

Section 83. Tampering with Public Records. No person shall, without lawful authority, knowingly destroy, mutilate, conceal, remove, make a false entry in or falsely alter any public record.

Section 84. Impersonation. No person shall, with intent to obtain a benefit or to injure or defraud another, falsely impersonate a public servant and do an act in such assumed character.

Section 85. False Reports.

(1) No person shall knowingly initiate a false alarm or report which is transmitted to a fire department or law enforcement agency or other organization that deals with emergencies involving danger to life or property.

(2) No person shall knowingly make or file with the police department or with the city attorney or a police officer engaged in his official duties 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.

Section 86. Refusing to Assist in Fire-Fighting Operations. No person shall:

(1) Upon command by a person known by him to be a fireman, unreasonably refuse or fail to assist in extinguishing a fire or protecting property threatened thereby; or

(2) Upon command by a person known by him to be a fireman or peace officer, intentionally and unreasonably disobey a lawful order relating to his conduct in the vicinity of a fire.

Section 87. Resisting or Refusing to Aid Officer.

(1) No person shall resist any peace officer acting in the performance of his duties; or, when requested to do so, refuse to assist any such officer in the discharge of his duties; or by any means whatsoever hinder, delay or obstruct any such 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 peace officer lacked legal authority to make an arrest, provided he was acting under color of his official authority.

Section 88. Escape.

(1) No person shall:

(a) Knowingly escape or attempt to escape from official detention.

(b) Knowingly cause, aid, assist, abet or facilitate an escape from official detention.

(2) As used in this section:

(a) "Escape" means an unlawful departure.

(b) "Official detention" means:

(i) Arrest by a peace officer.

(ii) Detention in a vehicle or facility for the transportation or custody of persons under arrest, charge or conviction of an offense.

(iii) Detention for extradition or deportation.

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

Section 89. Police and Fire Communications. 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 or fire department radio communication system.

Section 90. Deliveries to Prisoners. No person shall deliver, by any means whatsoever, intoxicating liquor or controlled substances as defined by state law to a person confined in the city detention facility, or attempt to convey or deliver to such person any article without the consent of the officer in charge.

Section 91. Tampering with Fire Hydrant. No unauthorized person shall unfasten, open, draw water from, or otherwise tamper with a fire hydrant.

(Sections 92 to 100 reserved for expansion.)

Street and Sidewalk Offenses

Section 101. Obstruction of Building Entrances. No person shall obstruct any entrance to any building or loiter unnecessarily about or near any entrance, stairway or hall leading to any building.

Section 102. Open Cellar Doors or Grates. No owner or person in charge of property shall permit a cellar door or grate located in or upon a sidewalk or public pathway to remain open except when such entrance is being used and, when being used, there are adequate safeguards for pedestrians using the sidewalk.

Section 103. Obstruction of Fire Hydrants. No owner of property adjacent to a street upon which is located a fire hydrant shall place or maintain within eight feet of such fire hydrant any bush, shrub or tree or other obstruction.

Section 104. Vending Goods on Streets or Sidewalks. No person shall use or occupy any 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.

Section 105. Vending Food on Streets or Sidewalks. No person shall place or display upon the street or sidewalk any food for sale that is less than 18 inches above the street or sidewalk upon which it is placed or displayed.

Section 106. Obstruction of Streets and Sidewalks.

(1) Except as otherwise permitted by ordinance, no person shall obstruct, cause to be obstructed, or assist in obstructing vehicular or pedestrian traffic on a street or public sidewalk.

(2) The provisions of this section shall not apply to the delivery of merchandise or equipment, provided the owner or person in charge of the merchandise or equipment on the property abutting on the street or public sidewalk upon which the merchandise or equipment is located removes the merchandise or equipment within a reasonable time.

(Sections 107 to 114 reserved for expansion.)

Miscellaneous

Section 115. Misrepresentation of Age or Marital Status. No person shall:

(1) Being less than a certain, specified age, knowingly represent himself to be of any age other than his true age with the intent of securing a right, benefit or privilege which by law is denied to persons under that certain, specified age.

(2) Being unmarried, knowingly represent that he is married with the intent of securing a right, benefit or privilege which by law is denied to unmarried persons.

Section 116. Begging. No person shall accost another in a public place for the purpose of soliciting alms.

Section 117. 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.

Section 118. Selling or Pledging Property of Intoxicated Persons. No person shall purchase property from any person who is in an intoxicated condition or under the influence of any narcotic drug, or advance or loan money to such person, or have any dealings with any such person respecting the title to property.

Section 119. Possession of Burglars' Tools.

(1) 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.

(2) "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 nitroglycerin, 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.

Section 120. Posted Notices. No person shall affix a placard, bill or poster upon personal or real property, private or public, without first obtaining permission from the owner thereof or from the proper public authority.

Section 121. Expectoration. No person shall expectorate upon any public sidewalk or street or in any public building except in receptacles provided for the purpose.

Section 122. Occult Arts.

(1) "Occult arts" means the use or practice of fortunetelling, astrology, phrenology, palmistry, clairvoyance, mesmerism, spiritualism or any other practice or practices generally recognized to be unsound and unscientific whereby an attempt or pretense is made:

(a) To reveal or analyze past incidents or events.

(b) To analyze or define the character or personality of a person.

(c) To foretell or reveal the future.

(d) To locate by such means lost or stolen property.

(e) To give advice or information concerning any matter or event.

(2) No person shall for hire or profit engage in the practice of occult arts, either public or private.

(3) Nothing in this section shall be construed to prohibit or prevent:

(a) A duly organized and recognized religious organization which promulgates religious teachings or beliefs involving spiritualism or similar media from holding its regular meetings or services.

(b) A school, church, fraternal, charitable or other benevolent organization from utilizing occult arts for a bazaar or other money-raising project; provided that all money so received is

devoted exclusively to the organization sponsoring the affair. In such case, the money so received shall be considered as a donation for benevolent and charitable purposes.

Section 123. Possession of Marijuana.

(1) Possession of less than one avoirdupois ounce of marijuana is a violation of this ordinance.

(2) A penalty imposed for violation of this section shall not exceed \$100.00.

(Sections 124 to 134 reserved for expansion.)

General

Section 135. Offenses Outside City Limits. Where permitted by Oregon law, an act made unlawful by this ordinance shall constitute an offense when committed on any property owned or leased by the city, even though outside the corporate limits of the city.

Section 136. 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 137. Attempt to Commit Offenses. A person who shall attempt to commit any of the offenses mentioned in this ordinance or any ordinance of the city, but who for any reason is prevented from consummating such act, shall be deemed guilty of an offense.

Section 138. Separate Violations. Whenever in this ordinance, or any ordinance of the city of Willamina, 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.

Section 139. Penalties. Violation of any provision of this ordinance is punishable by a fine not to exceed \$1,000.00, or imprisonment not to exceed 365 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.

Section 140. Nuisance Abatement. No provisions in this ordinance shall preclude the abatement of a nuisance as provided in the general nuisance ordinance of the city.

Section 141. Working Out Fine and Costs. When a person shall be convicted of an offense under the laws of the city and shall be 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, one day for each \$10.00 of such fine unpaid. 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.

Section 142. Severability. The sections and subsections of this ordinance are severable. The invalidity of any one section or subsection shall not affect the validity of the remaining sections or subsections.

Section 143. Application of State Statutes. Provisions of the Oregon Criminal Code of 1971, as the same now exists or may hereafter be amended, relating to defenses and burden of proof, general principles of criminal liability, parties and general principles of justification, shall apply to offenses defined and made punishable by this ordinance.

Section 144. Release from Custody. Decisions regarding release of persons in custody shall be made according to the provisions of ORS 135.230 to 135.290.

Section 145. Repeal. Ordinance No. 285, enacted August 13, 1960; Ordinance No. 346, enacted July 10, 1969, as amended by Ordinance No. 369, enacted January 13, 1972 and Ordinance No. 407, enacted June 12, 1975; and Ordinance No. 400, enacted July 11, 1974, are repealed.

Section 146. Saving Clause. Notwithstanding Section 145, ordinances repealed thereby shall remain in force for the purpose of authorizing the arrest, prosecution, conviction and punishment of a person who violated said ordinance prior to the effective date of this ordinance.

Passed by the council and approved by the mayor
July 27, 1978.

BEFORE THE CITY COUNCIL OF THE CITY OF WILLAMINA
SITTING FOR THE TRANSACTION OF CITY BUSINESS

In the Matter of Offering)
A Reward for the Conviction)
of Persons Mistreating) Resolution 94-95-12
Water Fowl in the City of)
Willamina)

The City Council of the City of Willamina, Oregon, on the 25th day of May, 1995, sat in regular session for the transaction of City business.


WHEREAS, the City of Willamina has under its control and protection various water fowl in and about City owned property;

AND, WHEREAS, The City of Willamina desires to protect the well-being of said water fowl;

NOW, THEREFORE, BE IT RESOLVED that the City of Willamina City Council does hereby offer a reward in the amount of one hundred dollars (\$100.00) to any citizen providing information resulting in the conviction in the Municipal Court of the City of Willamina for violation of Section 71 of City Ordinance 450 which provides that no person shall intentionally or recklessly kill or subject to cruel mistreatment any animal, including birds;

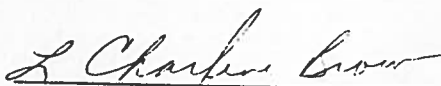
AND, BE IT FURTHER RESOLVED the reward shall be issued only after conviction and upon proof provided by the citizen that the information given did cause the conviction.

Passed and adopted by the Council this 25th day of May, 1995.



Mayor

ATTEST:



City Recorder