

ORDINANCE NO. 516

AN ORDINANCE PRESCRIBING GENERAL OFFENSES; PROVIDING PENALTIES; AND REPEALING ORDINANCES NOS. 256, 229, AND 335.

The City of Columbia City ordains as follows:

Section 1. Oregon Criminal Code Adopted.

A) Oregon Revised Statutes, Chapters 161, 162, 163, 164, 165, 166, and 167, except for any provision classified as a felony under 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 ordinance.

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

Disorderly conduct and related offenses.

Section 2. Disorderly conduct at fires.

A) No person at or near a fire shall obstruct or impede fighting of the fire, interfere with fire department personnel or fire department apparatus, behave in a disorderly manner or refuse to observe promptly any order of a member of the fire or police department.

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.

Section 3. Drinking in public places. No person shall drink or consume alcoholic liquor in or on a street, alley, mall, parking lot, or other public place unless the place has been licensed for that purpose by the Oregon Liquor Control Commission or special written permission has been obtained from the city or both.

(Sections 4 to 12 reserved for expansion)

Section 13. Concealed weapons. Except as provided in ORS 166.291 to 166.293, no person shall carry concealed on his or her person or concealed in a vehicle a revolver, pistol or other firearm, or a knife, other than an ordinary pocket knife, that could be used to inflict injury on a person or property of another. For purposes of this

section, an ordinary pocketknife is one with a maximum blade length of three and one half inches that is not a switch-blade or spring-blade knife.

Section 14. Discharge of weapons.

A) No person, other than a peace officer, shall fire or discharge a gun or other weapon, including spring or air-actuated pellet gun, air gun, bean shooter, or slingshot, BB gun, crossbow, bow and arrow, or any weapon which propel projectiles by use of gunpowder or other explosives, jet, or rocket propulsion within the city, except in an area designated by the city. [Amended by Ord. No. 07-639-O 8/17/07.]

Offenses related to property.

Section 15. 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 that is not his own without the permission of the owner or person entitled to possession thereof and while so trespassing look through, or attempt to look through, a window or transom of the dwelling with the intent to violate the privacy of another person.

(Sections 16 to 20 reserved for future expansion)

Offenses related to minors.

Section 21. Endangering welfare of a minor.

A) No person shall solicit, aid, or cause a minor person, herein defined as a person under 18 years of age, to:

- 1) Violate a law of the United States or a state or to violate a city or county ordinance.
- 2) Run away or conceal himself from a person or institution having lawful custody of the minor.

Section 22. Providing liquor to minors. No person shall sell, give, serve, or otherwise make available any alcoholic liquor to a minor except as provided in Section 23 of this ordinance.

Section 23. Purchase or possession of liquor by a minor.

A) Except as provided in subsection (B) of this section, no minor shall attempt to purchase, acquire, or have in his/her possession alcoholic liquor.

B) For the purposes of this section, possession of alcoholic liquor includes acceptance or consumption of a bottle of such liquor. However, this section does not prohibit a person from accepting or consuming sacramental wine as part of a religious rite or ceremony.

Section 24. Purchase of property from minors. No person shall purchase any property or 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.

Section 25. Curfew.

A) It shall be unlawful for any person under the age of 18 years to be upon the streets or in any public place within the city of Columbia City, Oregon, between the hour of 10:30 p.m. of Sunday, Monday, Tuesday, Wednesday, and Thursday, and the hour of 4:00 a.m. of the following day; and between the hour of midnight of Friday and Saturday and the hour of 4:00 a.m. of the following day unless:

- 1) Such minor person is accompanied by a parent or legal guardian.
- 2) Such minor is engaged in a lawful pursuit or activity which requires the presence of the minor in such public places during the hours specified in subsection (A).
- 3) The minor is emancipated under ORS 419B.550 to 419B.558.

B) No adult person having the care and custody of a minor under the age of 18 years shall knowingly permit such minor to violate the provisions of subsection (A) of this section, except as otherwise provided in that subsection.

Section 26. Police custody. Any police officer is authorized to take a minor violating a provision of this ordinance into custody as provided by ORS 419C.080, 419C.085, and 419C.088.

Section 27. Refusal of parent or guardian to take custody. No parent, guardian, or other person having legal custody of a minor taken into police custody as provided in Section 26 shall refuse to come immediately and take custody of the minor upon being notified to do so by the police.

(Sections 28 to 30 reserved for expansion)

Obstructing Governmental Administration.

Section 31. 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 a fire department radio communication system.

(Sections 32 to 38 reserved for expansion)

Street and Sidewalk Offenses.

Section 39. Obstruction of building entrances. No person shall obstruct an entrance to a building.

Section 40. Obstructing passageways.

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

B) The provisions of this section shall not apply to the delivery of merchandise or equipment, provided that no person shall permit such merchandise or equipment to remain on any street or sidewalk beyond a reasonable time.

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

D) No unauthorized person shall deposit any earth, gravel, or debris upon any street or sidewalk.

(Sections 41 to 47 reserved for expansion)

Miscellaneous.

Section 48. Begging. No person shall physically accost another in a public place to solicit alms.

Section 49. 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. In addition, there shall be no overnight camping or tenting on public property without prior approval of the City Council.

(Sections 50 to 55 reserved for future expansion)

General.

Section 56. Offenses outside city limits. This ordinance applies to acts committed on property owned or leased by the city that is outside the corporate limits of the city.

Section 57. Hauling. No person shall haul sand, gravel, rock, wood, or other substance in any vehicle or conveyance that is so constructed or in such condition as to allow the sand, gravel, rock, wood, or other substance to fall on and litter the public streets of the city.

Section 58. Soliciting to violate or confederating to violate ordinances. No person shall solicit, aid, employ or engage another, or confederate with another, to violate a provision of any city ordinance.

Section 59. 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 another reason, is prevented from consummating such act, is guilty of an offense.

Section 60. Separate violations. When, in any city ordinance, an act is prohibited or is made or is 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 61. Penalties. Violation of a provision of this ordinance is punishable by a fine not to exceed \$500. 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 62. Severability.]

[Section 63. Repealer.]

[Section 64. Savings clause.]

Passed by the council and approved by the mayor November 20, 1997.