

ORDINANCE NO. 1455

AN ORDINANCE DEFINING AND PRESCRIBING
GENERAL OFFENSES, ~~PROVIDING PENALTIES,~~
AND REPEALING ORDINANCE NO. 1359.

THE CITY OF HOOD RIVER ORDAINS AS FOLLOWS:

Section 1. Definitions. The definitions contained in the Oregon Criminal Code 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 definitions and other sections of particular articles of the Oregon Criminal 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. Recklessly Endangering Another Person. No person shall recklessly engage in conduct which creates a substantial risk of serious physical injury to another person.

Section 5. 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 fighting words 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, sidewalk, walkway, public place, street or roadway.

(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 6. Intoxicated Persons.

(1) Any person who is intoxicated in a public place may be taken or sent to his home or to a treatment facility by the police. However, if the intoxicated person is incapacitated, his health appears to be in immediate danger, or the police have reasonable cause to believe the person is dangerous to himself or to any other person, he may be taken by the police to an appropriate treatment facility. A person shall be deemed incapacitated when he is unable to make a rational decision as to the acceptance of assistance.

(2) The director of the treatment facility shall determine whether a person shall be admitted, or referred to another treatment facility, or denied referral or admission. If he is incapacitated or his health appears to be in immediate danger, or if the director has reasonable cause to believe the person is dangerous to himself or to any other person, he must be admitted.

(3) In the absence of any treatment facility, an intoxicated person who would otherwise be taken by the police to a treatment facility may be taken to the city jail, where he may be held until he is no longer intoxicated or incapacitated.

(4) Unless the person has within 24 hours applied for voluntary admission to the treatment facility, he shall be discharged.

(5) An intoxicated person taken into custody by the police for a violation of a city ordinance shall immediately be taken to an available treatment facility, if any, when his condition of intoxication requires emergency medical treatment.

(6) The records of a person at a treatment facility shall be confidential and shall not be disclosed without the consent of that person. A person's request that no disclosure be made of his admission to a treatment facility shall be honored unless he is incapacitated or disclosure of his admission is otherwise required by law.

(7) No peace officer, treatment facility and staff, physician, or judge shall be held criminally or civilly liable for actions pursuant to this section; provided that he acts in good faith, on probable cause, and without malice.

Section 7. Loitering. No person shall:

(1) Loiter in, on 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.

(2) Loiter in, on 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 response.

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.

Section 10. Minors and Liquor.

(a) No person under 21 years shall purchase, acquire or have in his possession alcoholic liquors as defined by the laws of the State of Oregon, except when such person is in a private residence and accompanied by his parent or guardian with such parent or guardian's consent.

(b) No person, other than his parent or guardian shall give, sell or otherwise make available any alcoholic liquor to any person under the age of 21 years.

(c) No person shall possess, sell or give away one avoirdupois ounce or less of the dried leaves, stems or flowers of the plant cannabis, family moraceae.

(SECTIONS 11 TO 14 RESERVED FOR EXPANSION)

WEAPONS AND FIREWORKS

Section 15. Concealed Weapons. No person other than a peace officer or person licensed pursuant to ORS 166.290 shall carry concealed on or about his person or carry concealed within any vehicle which is under his control or direction any pistol, revolver, other firearm, knife other than an ordinary folding blade pocketknife with a blade less than 3-1/2 inches long, dirk, switchblade, dagger, stiletto, metal knuckles, or weapon the use of which could inflict injury upon a person or property.

Section 16. Discharge of Weapons. Except at firing ranges approved by the chief of police, no person other than a peace officer, shall fire or discharge a bow and arrow, including crossbow and bolt, slingshot, or 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, explosive, jet, a gas, or rocket propulsion.

Section 17. Fireworks. The following sections of the Oregon Fireworks Law, together with all acts and amendments applicable to cities which are enacted, are adopted by reference and made a part of this ordinance: ORS 480.110, 480.120, 480.140(1), 480.150 and 480.170.

(SECTIONS 18 TO 20 RESERVED FOR EXPANSION)

SEXUAL AND RELATED OFFENSES

Section 21. Accosting. No person shall, while in a public place, invite or request another person to engage in sexual intercourse.

Section 22. Public Indecency.

(1) No person shall, while in, or in view of, a public place, perform:

- (a) An act of sexual intercourse;
- (b) An act of exposing their sex organs, or the areola of the female mamma;
- (c) An act of urination or defecation, except in toilets provided for that purpose.

Section 23. Prohibited Touching.

(1) No person shall pay a fee or receive a fee, directly or indirectly, for touching or offering to touch the sexual parts of another for the purpose of arousing or gratifying the sexual desire of either party.

(2) No person who manages or controls any place of business shall cause or permit any agent, employee or other person under his control or supervision to participate in conduct prohibited in subsection (1).

(SECTIONS 24 AND 25 RESERVED FOR EXPANSION)

OFFENSES RELATING TO PROPERTY

Section 26. Theft.

(1) A person who comes into control of property of another that they know or have good reason to know has been lost, mislaid, or delivered under a mistake as to the nature or amount of the property or the identity of the recipient, commits theft if, with intent to deprive the owner thereof, they fail to take reasonable measures to restore the property to the owner.

(2) A person commits a crime of theft of services if:

- (a) With intent to avoid payment therefore, he obtains services that are available only for compensation, by force, threat, deception or other means to avoid payment for the services.

- (b) As used in this section, "services" includes, but is not limited to labor, professional services, toll facilities, transportation or other communication service, entertainment, the supplying of food, lodging or other accommodations in hotels, restaurants or elsewhere, the supplying of equipment for use and the supplying of commodities such as gas, gasoline, electricity, steam and water.
- (c) Absconding without payment or offer to pay for hotel, restaurant or other services for which compensation is customarily paid upon the receiving of them is prima facie evidence that the services were obtained by deception.

(3) A person commits theft when, with intent to deprive another of property or to appropriate property to himself or to a third person, he takes, appropriates, obtains or withholds such property from an owner thereof.

Section 27. Trespass. No person shall enter or remain unlawfully in or upon premises.

Section 28. 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, transom, or other opening 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 29. Mischief. 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 ground to believe he has such right, tamper or interfere with property of another.

(SECTIONS 30 TO 35 RESERVED FOR EXPANSION)

Section 35. Child Neglect. No person having custody or control of a child under 10 years of age shall 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.

Section 36. Children Confined in Vehicles.

(1) No person who has under his control or guidance a child under 8 years of age shall lock or confine, or leave the child unattended, or permit the child to be locked or confined, or left unattended in a vehicle for a period of time longer than 15 consecutive minutes.

(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 vehicle and remove the child, using such force as is reasonably necessary to effect an entrance to the vehicle where the child may be confined, in order to remove the child.

Section 37. Endangering Welfare of Minor.

(1) No person shall:

- (a) Knowingly sell, or cause to be sold, tobacco in any form to a person under 18 years of age.
- (b) Employ a person under 18 years of age in or about a cardroom, poolroom, or billiard parlor.

(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.

(3) No person shall conceal from the person, institution or governmental agency having lawful custody of a minor under 18 years of age, the minor under 18 years of age.

Section 38. 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 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 39. Misrepresentation of Age by Minor.

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.

(SECTIONS 40 TO 44 RESERVED FOR EXPANSION)

OBSTRUCTING GOVERNMENTAL ADMINISTRATION

Section 45. Unsworn Falsification. No person shall knowingly make any false written statement to a public servant in connection with an application for any benefit.

Section 46. 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.

Section 47. 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 48. 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 49. 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 50. 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 51. 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:
 - 1. Arrest by a peace officer.
 - 2. Detention in a vehicle or facility for the transportation or custody of persons under arrest, charge or conviction of an offense.
 - 3. Detention for extradition or deportation.
 - 4. Other detention because the person detained is charged with or convicted of an offense.

Section 52. 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.

(SECTIONS 53 TO 55 RESERVED FOR EXPANSION)

Section 56. 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.

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

Section 57. Soliciting Drinks. No person shall frequent, loiter, or be employed in a tavern, bar, night club, or cocktail lounge for the purpose of soliciting another person to purchase drinks. No proprietor of such establishment shall allow the presence in the establishment of persons who violate the provisions of bartenders, barmaids, waiters or waitresses.

(SECTIONS 58 TO 60 RESERVED FOR EXPANSION)

GENERAL

Section 61. Soliciting to Violate Ordinance. No person shall solicit, conspire, employ or engage another, or confederate with another to violate a provision of this ordinance.

Section 62. Attempt to Commit Offense. A person who shall attempt to commit any of the offenses mentioned in this or any other ordinance of the City, but who for any reason is prevented from consummating such act, shall be deemed guilty of an offense.

(SECTION 63 RESERVED FOR EXPANSION)

Section 64. Severability. Each section, subsection, or other portion of this ordinance shall be severable; the invalidity of any section, subsection, or other portion shall not invalidate the remainder.

Section 65. Repeal.

(1) Ordinance No. 1359 enacted the 27th day of April, 1976, is hereby repealed.

(2) Notwithstanding Subsection (1), Ordinance No. 1359 shall remain in force for the purpose of authorizing arrest, prosecution, conviction and punishment of a person who violated said ordinance prior to the effective date of this ordinance.

Read for the first time: May 22, 1979.

Read for the second time: May 29, 1979.

PASSED by the Council of the City of Hood River
this 29th day of May, 1979.

Donna M. Jurgens
City Recorder

APPROVED by the Mayor of the City of Hood River
this 29th day of May, 1979.

Charles F. Beardsley
Mayor