Chapter 4.05
GENERAL OFFENSES

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4.05.010 Disorderly Conduct.
(1) No person shall initiate or circulate a report, knowing it to be false, concerning an alleged or impending fire, explosion, crime, catastrophe or other emergency.

(2) No person shall create a hazardous or physically offensive condition by any act which he is not licensed or privileged to do.

4.05.020 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 or police department.

4.05.030 Purchase or Possession of Liquor by Person Under 21; Entry of Licensed Premises by Person Under 21.

(1) No person under the age of 21 years shall attempt to purchase, purchase or acquire alcoholic liquor. Except when such minor is in a private residence accompanied by the parent or guardian of the minor and with such parent's or guardian's consent, no person under the age of 21 years shall have personal possession of alcoholic liquor.

(2) For the purposes of this section, personal possession of alcoholic liquor includes the acceptance or consumption of a bottle of such liquor, or any portion thereof or a drink of such liquor. However, this section does not prohibit the acceptance or consumption by any person of sacramental wine as part of a religious rite or service.

(3) Except as authorized by rule or as necessitated in an emergency, no person under the age of 21 years shall enter or attempt to enter any portion of a licensed premises that is posted or otherwise identified as being prohibited to the use of minors.

(4) Any person who violates subsection (1) or (3) of this section commits a violation punishable by a fine of not more than $250. [Amended by Ord. 141, October 17, 1983]

4.05.040 Discharge of Weapons.

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 weapons which propel a projectile by use of gunpowder or other explosive, jet or rocket propulsion.

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

4.05.060 Mischief.

(1) No person shall, 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, damage property of another or recklessly damage property of another.

4.05.070 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.

4.05.080 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.

4.05.090 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.

4.05.100 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 hydrant any bush, shrub, tree or other obstruction.

4.05.110 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.

4.05.120 Rules and Regulations Relating to City Parks, Community Buildings and Recreation Areas.

(1) For purposes of this chapter the terms "Park, Community Buildings and Recreation Areas" are those areas owned or otherwise controlled by the City of North Plains and declared by resolution of the City Council for use as park, community building or recreation areas. For convenience, such areas shall be collectively referred to and known as "Park Areas."

(2) No person shall deface, mark scratch, burn, destroy or cause damage to any park area or improvements therein or thereon or be wantonly wasteful of material and supplies provided for the comfort of the general public.

(3) No unauthorized person shall pick, mutilate, dig, probe or remove any plant, soil, stone, sand, wood, material, mineral or any substance of any kind whatsoever from any park area.

(4) No person shall deposit, dump, place or leave any rubbish, garbage or refuse of any type regardless of its source in a park area except refuse, garbage or litter occasioned through use of such areas shall be deposited in refuse receptacles provided for such purposes.

(5) No person shall enter or remain in park areas between closing and opening hours as established by resolution of the City Council. Any vehicle left on park grounds after closing may be towed away at owner's expense. The provisions of this subsection shall not apply to those City officers or employees in performance of their park related duties.

(6) No person shall refuse to leave any park area after being directed to leave by the employee or officer authorized to enforce the rules and regulations of the park area.
4.05.130 Penalties.

(1) Any person found guilty of violation of any rule or regulation shall be guilty of an infraction and shall be fined in an amount not more than $500.00. [Amended by Ord. 143, November 21, 1983]

4.05.140 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.

4.05.150 Offensive Littering.

(1) No person shall create an objectionable stench or degrade the beauty or appearance of property or detract from the natural cleanliness or safety of property by intentionally:

(a) Discarding or depositing any rubbish, trash, garbage, debris or other refuse upon the land of another without permission of the owner, or upon any public way.

(b) Draining, or causing or permitting to be drained, sewage or the drainage from a cesspool, septic tank, recreational or camping vehicle waste holding tank, or other contaminated source upon the land of another without permission of the owner or upon any public way.

(c) Permit any rubbish, trash, garbage, debris or other refuse to be thrown from a vehicle which he is operating; except that this subsection shall not apply to a person operating a vehicle transporting passengers for hire subject to regulation by the Interstate Commerce Commission or the Public Utility Commissioner of Oregon, or a person operating a school bus subject to ORS 485.010 to 485.060.

(2) As used in this section, “public way” includes but is not limited to, roads, streets, alleys, lanes, trails, beaches, parks and all recreational facilities operated by the City, state or county for use by the general public.

4.05.160 Offenses Outside City Limits

[Amended by Ord. 143, November 21, 1983; Amended by Ord. 227, January 3, 1994]
Where permitted by Oregon law, an act made unlawful by this chapter shall constitute an offense when committed on any property owned or leased by the City, even though outside the corporate limits of the City.

4.05.170 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 chapter of the City.

4.05.180 Attempt to Commit Offenses.

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

4.05.190 Separate Violations.

Whenever in this chapter or any chapter of the City of North Plains, 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.

4.05.200 Penalties.

(1) Violation of any provision of this chapter is punishable by a fine not to exceed $1,000.

(2) In lieu of the penalty provided for the above, a judge may sentence a person found in violation of this Section to community service for such period as is provided for misdemeanors pursuant to ORS 137.126 to ORS 137.129. [Amended by Ord. 227, January 3, 1994]

4.05.210 Nuisance Abatement.

No provisions of this chapter shall preclude the abatement of a nuisance as provided in chapter 4.10 of the City Code.

4.05.220 Application of State Statutes.

Provisions of the Oregon Criminal Code of 1971, as the same now exist 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 chapter.

4.05.230 Sale and Consumption of Alcoholic Beverages.

(1) No person or organization shall sell, give or otherwise dispense or consume alcoholic liquor on any property owned by the City of North Plains, except as specifically allowed in writing by the City of North Plains on or about the premises of the City of North Plains community Center.

(2) "Alcoholic liquor" means any alcoholic beverage containing more than one-half of one percent alcohol by volume, and every liquid or solid, patented or not, containing alcohol, and capable of being consumed by human beings.

(3) Any consumption or sale allowed by the City of North Plains at the above-described community center shall only be allowed pursuant to the written authorization of the City of North Plains City Council and only pursuant to the written restrictions and controls of the City of North Plains set forth in said authorization in addition to any restrictions imposed by the state of Oregon in the Oregon Revised Statutes. Any sale or consumption beyond the written authorization of the City of North Plains shall be a violation of this section.

(4) Any person who is in violation of the above sections shall be personally liable and, in addition, any person obtaining written authorization from the City of North Plains to consume or sell alcoholic beverages at the above described community center shall be personally responsible for any violations occurring on or about the premises during the period said person or the organization he is affiliated with is utilizing the premises. [Amended by Ord. 128, June 1, 1982]

4.05.240 Prohibited Conduct in Public Places.

(1) No person with the intent to interfere with use and enjoyment of a public place shall block, attempt to block or interfere with any person(s) use and enjoyment of the public place by any means, including but not limited to:

(a) Causing or attempting to cause another person to reasonably fear that they will be subjected to any offensive physical contact either to their person or to personal property in their immediate possession; or

(b) Engaging in fighting or in violent, tumultuous or threatening behavior; or

(c) Making unreasonable noise; or

(d) Disturbing any lawful assembly of persons without lawful authority; or
4.05.250 Negotiating a Bad Check.

(1) A person commits the offense of negotiating a bad check if the person makes, draws, or utters a check or similar sight order for the payment of money, knowing that it will not be honored by the drawee.

(2) For purposes of this section, unless the check or order is postdated, it is prima facie evidence of knowledge that the check or order would not be honored if:

   (a) The drawer has no account with the drawee at the time the check or order is drawn or uttered; or

   (b) Payment is refused by the drawee for lack of funds, upon presentation within 30 days after the date of utterance, and the drawer fails to make good within 10 days after receiving notice of refusal. [Added by Ord. 234, July 25, 1994]

4.05.260 Curfew Imposed

(1) No minor under eighteen (18) years of age shall be on a street, highway, park, alley or other public place between the hours specified in this section, unless:

   a. The minor is accompanied by a parent, guardian or other person twenty-one (21) years of age or over and authorized by the parent or by law to have custody of the minor;

   b. The minor is engaged in a lawful pursuit or activity which requires the minor’s presence upon the street, highway, park, alley or other public place; or

   c. The minor is emancipated under ORS 419B.550.

   d. For the purpose of this section, a lawful pursuit or activity is any of the following:

      1. Any pursuit or activity that begins prior to curfew hours, is authorized by the minor’s parents or lawful guardian and is not prohibited by law.

      2. Employment.

(2) Curfew hours. For the purposes of this chapter, the applicable hours of curfew are:

   a. On Sunday through Thursday, between ten p.m. and six a.m. of the following morning;

   b. On Friday and Saturday, between ten p.m. and seven a.m. of the following morning. [Added by Ord. 227, January 3, 1994]
b. On Friday and Saturday, between 11:59 p.m. and six a.m. of the following morning.

(3) Parental responsibility. No parent, guardian or other person having legal custody of a minor under the age of eighteen (18) years shall permit the minor to be in violation of this chapter.

(4) Police custody. Any police officer is authorized to take a minor violating a provision of this chapter into custody as provided by ORS 419.569.

(5) 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 this Section shall refuse to come immediately and take custody of the minor upon being notified to do so by the police.

4.05.270 Camping Prohibited in Certain Places

(1) It is illegal for any person to camp in or upon any sidewalk, street, alley, lane, public right-of-way, park, or any other public property, any property open to the public, or under any bridgeway or viaduct, unless otherwise specifically authorized by the City code, by the city council, by declaration of the Mayor in emergency circumstances, or by the person in charge of the private property.

(2) As used in this section:
   a. “To camp” means to setup, or to remain in or at, a campsite.
   b. “Campsite” means any place where any bedding, sleeping bag, or other sleeping matter, or any stove or fire, is placed, established, or maintained, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure, or any vehicle or part thereof.

4.05.280 Consumption of Alcoholic Liquors in Public Places Prohibited

(1) No person shall drink or consume any alcoholic liquor in or upon any street, alley, public grounds, or other public place unless such place has been licensed for that purpose by the Oregon Liquor Control Commission.

(2) Public place does not include property under control of a private party or otherwise not open to the public.