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PRINEVILLE COMPILATION

MEMORANDUM

June 1, 1964

Subject: Proposed Offense Ordinance.

This memorandum accompanies a proposed offense ordinance. A Gladstone ordinance is the sample offense ordinance used in preparation of the Prineville draft. The proposed ordinance is based upon a widely adopted suggested ordinance prepared for the ordinance codification work consolidating many types of offenses.

The proposed Prineville offense ordinance consolidates the substance of the following ordinances:

<u>Present Prineville Ordinance</u>	<u>Proposed Offense Ordinance</u>
71 Bawdyhouses	Section 18
93 Damaging fire apparatus	Section 28
149 Fireworks	Section 11
163 Obstructions in public ways	Section 13
170 Gambling	Section 19
257 Vagrancy	Section 25
319 General offenses	See offense ordinance generally

Section 34, relating to penalties, has been left open for further consideration by the city council.

ORDINANCE NO. 504

AN ORDINANCE DEFINING OFFENSES; PRESCRIBING PENALTIES, AND REPEALING ORDINANCES NO. 71, 93, 149, 163, 170, 257, AND 319.

The people of the city of Prineville, Oregon, do ordain as follows:

Definitions

Section 1. Definitions. Except where the context indicates otherwise, the singular number includes the plural and the masculine gender includes the feminine, and the following mean:

- (1) City. The city of Prineville.
- (2) Council. The governing body of the city.
- (3) Minor. Any person under the age of 21 years, except as otherwise provided.
- (4) Person. Every natural person, firm, partnership, association or corporation.
- (5) Public place. A building, way, place or accommodation, whether publicly or privately owned, open and available to the general public.

Offenses Against the Public Peace

Section 2. Assault and Battery. No person may with or without a weapon attack, assault or commit a battery upon any other person.

Section 3. Drunkenness.

- (1) No person may be in an intoxicated or drunken condition in a public place.
- (2) No person may drink any intoxicating liquor in any public place. This subsection shall not apply to the drinking of any intoxicating liquor in any establishment wherein the same may be sold for premises consumption under the laws of the state of Oregon.

Section 4. Disorderly Conduct.

- (1) No person may disturb the peace by:
 - (a) Participating or abetting in any rude, indecent, riotous, drunken or violent conduct.
 - (b) Using any vulgar, obscene or abusive language in any public place.
 - (c) Inciting any other person to commit any breach of the peace.
 - (d) Committing any obscene, indecent or immoral act in any public place.

(2) No person may knowingly permit disorderly conduct on any premises owned or controlled by him.

Section 5. Disturbance of Lawful Assemblies. No person may knowingly interrupt, disturb or annoy any lawful assembly, either public or private, by any offensive acts committed within such assembly or so near the same as to disturb the order of the meeting.

Offenses Against the Public Safety

Section 6. Concealed Weapons. No person other than an authorized peace officer or person licensed pursuant to ORS 166.290, as now or hereafter amended, may carry concealed on or about his person in any manner any revolver, pistol, or other firearm, or any knife other than an ordinary pocket knife with a blade less than 3-1/2 inches long, or any dirk, dagger, stiletto, metal knuckles or any weapon by the use of which injury could be inflicted upon a person or property.

Section 7. Discharge of Weapons.

(1) No person other than an authorized peace officer may fire or discharge a gun or other weapon, including spring or air-actuated pellet guns, or weapon which propels a projectile by use of gunpowder or other explosive or jet or rocket propulsion.

(2) The provisions of this section shall not be construed to prohibit the firing or discharging of a weapon by any person in the defense or protection of his property, person or family.

Section 8. Escape of Prisoners from Custody.

(1) No person may aid or attempt to aid in the escape of a confined prisoner or make available or provide anything calculated to aid in such escape.

(2) No person may knowingly aid an escaped prisoner by offering shelter, clothing, food or any other thing or service which would aid or abet the escape of such prisoner.

(3) No person may, while in custody or while a prisoner in the city jail, or in any other place where city prisoners are kept or confined, escape or attempt to escape from such custody or confinement.

Section 9. Interference with Police.

(1) No person may hinder, delay, obstruct or resist or refuse to assist any police officer or person duly empowered with police authority who is acting in the discharge of his duty.

(2) No person may offer or endeavor to assist any person in the custody of a police officer or a person duly empowered with police authority to escape or attempt to escape from such custody.

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(3) No person may deliver, by any method whatsoever, any intoxicating liquor or narcotic drug to any person confined in the city jail or attempt to convey or deliver to any such person any article without the permission and consent of the officer in charge.

(4) No person may impersonate, falsely assume or pretend to be a law enforcement officer.

(5) No person may use or permit the use of property for planning or promoting criminal activities or for violation of city ordinances.

(6) No person may operate any generator or electromagnetic wave or cause a disturbance of such magnitude as to interfere with the proper functioning of any police radio communication system of the city.

(7) No person may knowingly make or file with the police department of the city any false, misleading, or unfounded statement or report concerning the commission or alleged commission of any offense or crime.

Section 10. Fire Control.

(1) No person may intentionally give any false alarm of fire or aid or abet in the commission of such an act.

(2) No person at a fire may conduct himself in a disorderly manner or refuse to obey promptly any order of any member of the fire department or resist, obstruct or hinder any member of the fire department.

(3) No person, unless authorized by the fire chief, may unfasten, open or draw water from, or otherwise interfere with, any fire hydrant.

Section 11. Fireworks: Adoption of State Fireworks Law. The following enumerated sections of the Oregon Fireworks Law, together with all acts and amendments applicable to cities which are now or hereafter enacted, are hereby adopted by reference and made a part of this ordinance:

ORS 480.110	ORS 480.140(1)
ORS 480.120	ORS 480.150
ORS 480.130	ORS 480.170

Section 12. Narcotics and Barbiturates. No person may, without proper authority, sell, use or possess for any purpose whatsoever any narcotic drugs as defined by the laws of the state of Oregon.

Section 13. Obstructing Passageways.

(1) No person may, except as otherwise permitted by ordinance, obstruct, cause to be obstructed or assist in obstructing pedestrian or vehicular traffic on any sidewalk or street.

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

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(3) No person may permit any merchandise, equipment or other obstruction to remain on any street or sidewalk.

(4) No person may 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.

(5) No unauthorized person may deposit any earth, gravel or debris upon any street or sidewalk.

Offenses Involving Morals

Section 14. Animals.

(1) No person may torture, abandon, mutilate or needlessly kill any animal or bird; nor may any person transport or permit to be transported any animal in a cruel and inhumane manner.

(2) No person may fail to provide any animal in his custody with food, drink and protection from the elements.

(3) No person may place or distribute any poison or other substance with the intent of poisoning any animal, except those animals commonly recognized as pests or rodents.

Section 15. Burglars' Tools. No person may possess any burglars' tools, or implements of any kind commonly used by burglars in breaking or entering, unless it is shown that such possession is innocent or for a lawful purpose.

Section 16. Buying, Receiving or Concealing Stolen Property. No person may buy, receive or conceal or attempt to buy property that is known or should be known to such person to have been stolen.

Section 17. Sale or Pledge of Property of Drunks. No pawnbroker, junk dealer, chattel loan broker, or other person may purchase property from a person who is in an intoxicated condition or under the influence of a narcotic drug, or advance or loan money to such person or have dealings with such person respecting the title to property.

Section 18. Disorderly Houses.

(1) No person may establish, maintain or aid in the establishment or maintenance of a disorderly house as that term is defined in subsection (2) of this section.

(2) "Disorderly house" means any house or place kept or maintained for the purpose of prostitution, fornication, lewdness, gambling or other immoral purposes, including any place, room or building used for the consumption, sale or disposition of liquor or narcotic drugs contrary to law.

(3) No person may knowingly visit or frequent any disorderly house.

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(4) No person may knowingly lease any building under his control for the purpose of permitting the establishment of a disorderly house. Any person whose property has been leased and is used as a disorderly house shall, upon learning of its use, immediately take appropriate action to oust the occupants thereof.

(5) No person may solicit or entice another person to visit or enter a disorderly house.

Section 19. Gambling.

(1) No person may participate in, operate or assist in operating any gambling game or activity, including a lottery.

(2) The term "gambling" means the use or possession of any game, machine or device, whether played for money, check, credit or other representative of value in which the element of chance is controlling, and all machines and contests in which a charge is made to participate and in which the winner is selected primarily on the basis of chance.

(3) No person may have in his possession any property, instrument or device designed or adapted for use in any type of gambling activity. Any such property, instrument or device is a nuisance and may be summarily seized by any police officer. Property so seized shall be placed in the custody of the chief of police. Upon conviction of the person owning or controlling such property for a violation of this section, the municipal judge shall order such property confiscated and destroyed and the money found in the machines deposited in the city general fund.

Section 20. Immoral Practices.

(1) No person may wilfully and indecently expose his person in any public place or any place in which other persons might be offended thereby, or make any exhibition of himself to public view in such a manner as to be offensive or designed to excite vicious or lewd thoughts.

(2) No person may with knowledge of the character of the material:

(a) Import, print, publish, sell, lend, give, distribute or show or have in his possession any lewd, obscene, or indecent book, magazine, pamphlet, newspaper, picture, drawing, photograph or other instrument or article of an obscene or indecent character.

(b) Permit any show, play, exhibition, entertainment or motion picture which is of an indecent, lewd, or immoral character in or at any place under his control or supervision.

(3) No man and woman not married to each other may cohabit together in a lewd or lascivious manner.

(4) No person may produce or take part in or witness any show, play, exhibition, entertainment or motion picture which is of an indecent, lewd, or immoral character.

(5) No person may bathe or swim in any lake, river, stream, pond, slough or creek or in any public natatorium or swimming pool where such facilities are simultaneously used by both sexes, without wearing suitable bathing attire. "Suitable bathing attire" means that attire which is generally used, recognized and accepted by the public and which is not offensive to public morals and which does not expose the bather or swimmer indecently.

(6) No male person may make improper advances or indecent remarks or impertinently seek to attract the attention of any female person upon the streets or in public places.

(7) No female person may frequent, loiter or be employed in any tavern, cabaret or night club for the purpose of soliciting a male person to purchase drinks. No proprietor of any such establishment may allow the presence in such establishment of any person who violates the provisions of this subsection. This subsection shall not apply to female persons regularly employed as barmaids and waitresses.

(8) Except for the lawful occupant of property, no person may look into or loiter around or within view of any window or door of an occupied residence with the intent of invading the privacy of another.

Section 21. Prostitution.

(1) No woman may, with or without remuneration, engage in the practice of prostitution.

(2) No person may in any manner solicit any person for the purpose of prostitution.

(3) No person may knowingly transport or offer to transport any other person to any place or building for the purpose of prostitution.

(4) No person may bring together, offer to bring together or aid in bringing together in any manner two or more persons for the purpose of prostitution.

(5) No person may solicit, request, entice or attempt to entice any female person to become a prostitute or to enter a place of prostitution.

(6) In all prosecutions under this section common fame or reputation is competent evidence.

Section 22. Defrauding of Innkeepers.

(1) No person may, with intent to defraud, obtain any food, lodging, or other accommodations at any hotel, apartment house, boardinghouse, tourist camp, trailer camp or restaurant.

(2) No person may, after having obtained food, lodging or other accommodation at any hotel, apartment house, boardinghouse, tourist camp, trailer camp or restaurant, surreptitiously remove his baggage and clothing from such hotel, apartment house, boardinghouse, tourist

camp, trailer camp or restaurant without first paying or tendering payment for such food, lodging or other accommodation.

Section 23. Lodging Accommodations.

(1) No person may write or cause to be written, or knowingly permit to be written, in any register in any hotel, lodging house, rooming house or other place where transients are accommodated in the city, any other or different name or designation than the true name or designation of the person so registered, or the name or designation by which such person is generally known.

(2) No proprietor, manager or other person in charge of a hotel, lodging house, rooming house or other place where transients are accommodated may rent or assign rooms for joint and private occupancy by persons of the opposite sex:

(a) Unless such persons are registered as husband and wife, or as parent and minor child.

(b) If, notwithstanding the lawful appearance of the registration, he has reasonable cause to believe such transients are not husband and wife or parent and minor child.

Section 24. Occult Arts.

(1) No person may for hire or profit engage in any practice of occult arts, either public or private, as that term is described and defined in subsection (2) of this section.

(2) The term "occult art" means the use or practice of fortune-telling, 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.

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

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

(b) Any school, church, fraternal, charitable or other benevolent organization from utilizing occult arts for any bazaar or money-raising project, provided that all money so received is devoted wholly and exclusively to the organization sponsoring such affair. In such case the money so received shall be considered as a donation for benevolent and charitable purposes.

Section 25. Vagrancy.

(1) No person may be a vagrant as that term is defined in subsection (2) of this section.

(2) "Vagrant" shall mean:

(a) Every person without visible means of livelihood, who has the physical ability to work, and who does not for the space of 10 days seek employment, nor labor when employment is offered to him.

(b) Every beggar.

(c) Every idle or dissolute person, or associate of known thieves, who wanders about the streets or highways at late or unusual hours of the night, or who lodges in any place other than such as is kept for lodging purposes, without the permission of the owner or party entitled to the possession thereof.

(d) Every lewd or dissolute person who lives in or about a disorderly house, as defined by this ordinance.

(e) Every prostitute.

(f) Every person who is not enrolled as a student or who is not employed by the public or private school and who, without a lawful purpose therefor, wilfully loiters about any public or private school building or the public premises adjacent thereto or every person who conducts himself in a disorderly manner, as defined in Section 4 of this ordinance.

(g) Every person upon whom or in whose possession shall be found any implement that is usually employed or that reasonably may be inferred to have been designed to be employed in the commission of any felony, misdemeanor or ordinance violation, and who fails to account satisfactorily for the possession of the same.

(h) Every person who keeps or maintains a place or establishment where lost or stolen property is concealed.

(i) Every person who by the common law is classified as a vagrant whether included in the foregoing classification or not.

Offenses Against Property

Section 26. Trespass. No person may wrongfully go or trespass upon any real or personal property belonging to the city or any person within the city.

Section 27. Destruction of Official Notices and Signs. No person may wilfully deface, alter, remove or tear down any official notice or bulletin or any official sign, signal or barricade posted or placed in conformity with the law.

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Section 28. Injury to or Removal of Property.

(1) No person may wilfully or negligently cut, remove, deface, or in any manner injure or damage real or personal property of the city within or without the corporate limits.

(2) No person may wilfully or negligently cut, destroy, remove, or injure any plant, flower, shrub, tree or bush growing upon any property owned or controlled by the city within or without the corporate limits.

(3) No person may wilfully deface, injure, tamper with, break, or destroy any property, real or personal, belonging to or under the control of another.

(4) No person may ride or permit a horse on public property except upon a road or other area where a motor vehicle may be lawfully operated.

Section 29. Sidewalks.

(1) No person or group of persons may gather or stand upon a sidewalk or public pathway in such a manner as to prevent, impede or obstruct the free passage of pedestrian traffic.

(2) No person or group of persons may fail or refuse to move on or disperse when lawfully ordered to do so by a police officer.

(3) No person may permit a cellar door or grate located in or upon a sidewalk to remain open except when such entrance is being used, and when being used, such entrance shall have adequate safeguards to protect pedestrians using the sidewalk.

Section 30. Taking, Retention or Mutilation of Public Records.

(1) No person may without proper authority take or remove any public record, document, book, paper or personal property of any kind owned by the city.

(2) No person without proper authority may mutilate or destroy any public record, document, book, or paper on file or kept on record in any public office of the city.

(3) No person may retain any public record, document, book or paper after lawful demand has been made for the return thereof.

Offense Against the Public Health

Section 31. Expectoration. No person may expectorate upon any sidewalk or on or in any public building except in receptacles provided for that purpose.

Offenses Affecting Minors

Section 32. Minors.

(1) No person may wilfully do any act which causes or tends to

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cause a minor to become dependent or delinquent as dependency or delinquency is or may be defined by the laws of the state of Oregon.

(2) No person may employ a minor in or about a beer parlor, liquor establishment, cardroom, poolroom, shooting gallery or dance hall.

(3) No minor may enter, visit or loiter in or about a poolroom, billiard room, cardroom, tavern or bar. No person operating or assisting in the operation of such a place may permit a minor to loiter therein or permit such a minor to engage in any game of cards, billiards, pool, dice, pinball, darts or games of like character or games of chance, either for amusement or otherwise.

(4) No person may sell, barter, trade or give intoxicating liquor to a minor.

(5) No person may falsely represent his age in order to engage in games or loiter in places proscribed by subsection (3) of this section, or in order to obtain cigars, cigarettes or tobacco.

(6) No person may 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 such minor.

Section 33. Children Confined in Vehicles.

(1) No person who has under his control or guidance a child under eight years of age may at any time lock or confine, or permit to be locked or confined, or leave such child unattended in an automobile, stage, coach, bus or other vehicle on the streets, alleys or public ways for a period of time longer than 30 consecutive minutes.

(2) It shall be lawful and the duty of a policeman or other peace officer, finding a child or children confined in violation of the terms of this section, to enter such automobile, stage, coach, bus, or other vehicle and remove such child, such officer having the right, if reasonably necessary, to use such force as may be necessary to effect an entrance to the vehicle or place where such child may be confined in order to remove the child.

Penalties

Section 34. Penalties. A person violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by imprisonment for a period not to exceed 90 days, or by a fine not to exceed \$ 500, or by both.

Section 35. Working Prisoners. In any conviction for violation of this ordinance or any other ordinance of the city where the penalty fixed

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by the court is confinement in the city jail for any term, the court additionally may order that such convicted person, during the term of imprisonment, labor upon the streets or public works of the city under the direction of the proper authorities.

General

Section 36. Separate Violations. Each violation of a provision of this ordinance shall constitute a separate offense.

Section 37. Severability. The sections and subsections of this ordinance are hereby declared severable. The invalidity of any one section or subsection shall not affect the validity of the remaining sections or subsections.

Section 38. Repeal. Ordinance No. 71, approved December 28, 1889; Ordinance No. 93, approved March 8, 1893; Ordinance No. 149, approved July 5, 1904; Ordinance No. 163, approved June 4, 1907; Ordinance No. 170, approved April 6, 1909; Ordinance No. 257, approved January 8, 1918; and Ordinance No. 319, approved October 6, 1936, are repealed.

Adopted by the city council this 26th day of August, 1964.

Approved by the mayor this 26th day of August, 1964.

Wallace F. Bore
Mayor

ATTEST: Frances Juris
City Recorder