

ORDINANCE NO. 965

AN ORDINANCE PRESCRIBING GENERAL OFFENSES; PROVIDING PENALTIES; AND REPEALING ORDINANCE NOS. 447, 517, AND 564.

The people of the city of Prineville ordain as follows:

Noise and Alcohol

Section 1. Drinking in Public Places. No person shall drink or consume alcoholic liquor in or on a street, alley, mall, parking lot or structure, motor vehicle, public grounds, or other public place unless the place has been licensed for that purpose by the Oregon Liquor Control Commission. Provided, however, consumption of alcoholic liquor is permitted in a park when a permit has been obtained from the council.

(Sections 2 to 5 reserved for expansion)

Weapons

Section 6. Discharge of Weapons.

(1) No person, other than a peace officer, may fire or discharge ^{a crossbow or} a gun, including spring- or air-actuated pellet gun, or a weapon that propels a projectile by use of gunpowder or other explosive, jet or rocket propulsion.

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

(3) Any person shooting an arrow from a bow violates this ordinance if the arrow travels across a boundary line of the property from where the arrow was shot.

(Sections 7 to 10 reserved for expansion)

Sexual and Related Offenses

Section 11. 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 exposing his genitals with the intent of arousing the sexual desire of himself or another person.

(4) An act of urination or defecation except in toilets provided for that purpose.

(Sections 12 to 15 reserved for expansion)

Offenses Relating to Minors

Section 16. 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 section 17(3).

(2) No person shall solicit, aid, 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.

Section 17. 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, or billiard parlor shall permit a person under 18 years of age to engage in a game of cards, pool, billiards, dice, or games of chance, for amusement or otherwise.

(3) This section shall not apply to playing billiards or pool in a recreational facility. As used in this section, "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) Is clean, adequately supervised, adequately lighted and ventilated.

(b) No alcoholic liquor is sold or consumed.

(c) Where access does not require passing through a room where alcoholic liquor is sold or consumed.

(Sections 18 to 25 reserved for expansion)

Obstructing Governmental Administration

Section 26. Police and Fire Communications. No person shall operate any generator or electromagnetic wave or cause a disturbance of a magnitude that interferes with the proper functioning of a police or fire department radio communication system. Interference caused by equipment operated in compliance with Federal Communications Commission regulations does not violate this section.

Section 27. Deliveries to Prisoners. No person shall deliver, by any means, intoxicating liquor, dangerous drugs or narcotic drugs, as defined by state law, to a person confined in the city detention facility or attempt to convey or deliver any article to a prisoner without the consent of the officer in charge.

Section 28. Fire Control.

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

(2) No person at a fire shall 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, shall unfasten, open or draw water from, or otherwise interfere with any fire hydrant.

(Sections 29 to 34 reserved for expansion)

Street and Sidewalk Offenses

Section 35. Obstruction of Building Entrances. No person shall obstruct an entrance to a building.

Section 36. Open Cellar Doors or Grates. No owner or person in charge of property shall permit a cellar door or grate located in or on a sidewalk or public pathway to remain open unless the entrance is being used and, when being used, there are adequate safeguards for pedestrians using the sidewalk.

Section 37. Obstruction of Fire Hydrants. No owner of property adjacent to a street upon which a fire hydrant is located shall place or maintain a bush, shrub or tree or other obstruction within eight feet of the fire hydrant.

Section 38. Obstructing Passageways.

(1) No person shall, except as otherwise permitted by ordinance or with permission of the city council, obstruct, cause to be obstructed, or assist in obstructing pedestrians or vehicular traffic on a sidewalk or street.

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

(Sections 39 to 41 reserved for expansion)

Miscellaneous

Section 42. Begging. No person shall accost another in a public place to solicit alms.

Section 43. 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 possession.

Section 44. Selling or Pledging Property of Intoxicated Persons. No person shall purchase property from a person who is in an intoxicated condition or under the influence of a narcotic drug, or advance, loan money to, or have dealings with such person respecting the title to property.

Section 45. Notices and Advertisements. No person shall attach or cause to be attached a placard, bill, advertisement or poster upon real or personal property, whether public or private, without first securing permission from the owner or person in control of the property. This section shall not be construed as an amendment to or a repeal of any city regulation of the use and location of signs.

Section 46. Hauling. No person shall haul sand, gravel, rock, wood or other substance in a 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 public streets.

(Sections 47 to 50 reserved for expansion)

General

Section 51. 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 52. Soliciting 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 53. 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 any reason, is prevented from consummating such act is guilty of an offense.

Section 54. Separate Violations. When in any city ordinance, an act is prohibited or is made or 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 55. Penalties. Violation of a provision of this ordinance is punishable by a fine not to exceed \$1000. 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 56. Nuisance Abatement. No provision in this ordinance shall preclude abatement of a nuisance as provided in the city's general nuisance ordinance.

Section 57. Severability. Invalidity of a section or a part of a section of this ordinance shall not affect the validity of the remaining sections or parts of sections.

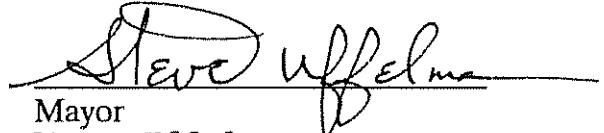
Section 58. Repeal. Ordinance No. 447, enacted November 10, 1953; Ordinance No. 517, enacted February 9, 1960; and Ordinance No. 564, enacted August 26, 1964, as amended by Ordinance No. 638, enacted August 26, 1969, Ordinance No. 698, enacted October 10, 1972, and Ordinance No. 732, enacted June 25, 1974, are repealed.

Section 59. Saving Clause. Notwithstanding section 58, ordinances repealed shall remain in force to authorize the arrest, prosecution, conviction and

punishment of a person who violated the ordinances prior to the effective date of this ordinance.

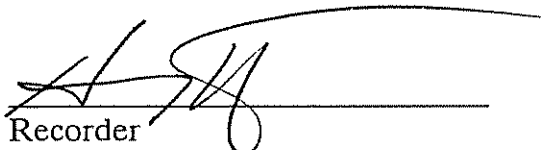
Passed by the council this 9th day of April,
19 91.

Approved by the mayor this 9th day of April,
19 91.



Mayor
Steve Uffelma

ATTEST:



Recorder
Henry Hartley