

TITLE XIII: GENERAL OFFENSES

Chapter

130. GENERAL OFFENSES

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GENERAL OFFENSES

§ 130.01 CURFEWS FOR MINORS.

(A) *Curfew imposed.* No minor under 18 years of age shall be on a street, highway, park, alley, or other public place between the hours specified in division (B) below, unless:

(1) The minor is accompanied by a parent, guardian, or other person 21 years of age or over and

authorized by the parent or by law to have custody of the minor;

(2) 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

(3) The minor is emancipated under O.R.S. 109.550 to 109.565.

(B) *Curfew hours.* For the purpose of this section, the applicable hours of curfew are daily between 12:00 midnight and 5:30 a.m. of the following morning.

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

(D) *Action taken in the event of violation.* Any police officer having reasonable grounds to believe a minor has violated this section may take the minor into temporary custody as provided by O.R.S. 419C.080, 419C.085 and 419C.088 and said minor may be subjected to further proceedings.

(E) *Refusal of parent or guardian to take custody.* No parent, guardian, or other person having legal custody of a minor taken in to police custody as provided in division (D) shall refuse to come immediately and take custody of the minor upon being notified to do so by the police.

(Ord. 02-2006, passed 8-8-2005) Penalty, see § 130.99

§ 130.02 DISORDERLY CONDUCT AT FIRES.

(A) 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.

(B) For purposes of this section, members of the Fire Department are endowed with the same powers of arrest as are conferred upon peace officers for violations off city ordinances.

(Ord. 264, passed 1-12-1981) Penalty, see § 130.99

§ 130.03 PROHIBITING DISORDERLY CONDUCT AND RELATED OFFENSES.

(A) *Assault*. No person shall:

(1) Intentionally, knowing or recklessly cause physical injury to another;

(2) With criminal negligence cause physical injury to another by means of a deadly weapon.

(B) *Menacing*. No person shall by word or conduct intentionally attempt to place another person in fear of imminent serious physical injury.

(C) *Harassment*. No person shall, with intent to harass, annoy or alarm another person or subject another to offensive physical contact.

(D) *Recklessly endangering another person*. No person shall recklessly engage in conduct which creates a substantial risk of serious physical injury to another person.

(E) *Disorderly conduct*. No person shall, with intent to cause public inconvenience, annoyance or alarm, or 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 or persons without lawful authority;

(4) Obstruct vehicular or pedestrian traffic in or on a public way, sidewalk, walkway, public place, and street or road way;

(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.

(F) *Loitering*. No person shall:

(1) Loiter in, on or near a school building or grounds, not having any reason or relationship involving custody 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.

(G) *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.

(Ord. 08-2006, passed 7-10-2006)

§ 130.04 FAILURE TO SUPERVISE A CHILD.

(A) *Definition.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

A **PERSON RESPONSIBLE** for the supervision of a child under this section includes a parent, lawful guardian or other person lawfully charged with the care or custody of a child under the age of 18 years.

(B) *Failure to supervise.* A person responsible for the care of minor commits the offense of failure to supervise when that child commits the following acts:

(1) When the child is in violation of this code such that he is brought within the jurisdiction of the juvenile court;

(2) When the child violates the curfew law (§ 130.01);

(3) Fails to attend school as required under O.R.S. 339.010.

(C) *Affirmative defenses.* In the prosecution, of a person for failing to supervise a child under division (B)(1), it is an affirmative defense when that person:

(1) Is the victim of the act that brings the child within the jurisdiction of the juvenile court, or

(2) Reported the act to the appropriate authorities.

(Ord. 09-2006, passed 7-10-2006)

ADOPTED CODES

§ 130.15 ADOPTION OF STATE CODES AND LAWS.

(A) *Oregon Criminal Code adopted.* Violation of any provision of the Oregon Criminal Code of 1978, as now or hereafter constituted, shall be an offense against this city.

(B) *Adoptions of state criminal laws.* Violation of provisions in O.R.S. Chapters 131 to 170 inclusive, as now or hereafter constituted, shall be an offense against this city.

(C) *Oregon Uniform Controlled Substances Act adopted.* Violation of any provision of the Oregon Uniform Controlled Substances Act of 1977, as now or hereafter constituted, shall be an offense against this city.

(D) *Oregon Liquor Control Act adopted.* Violation of any provision of the Oregon Liquor Control Act of 1933, as now or hereafter constituted, shall be an offense against this city.

(E) *Possession and Use of Firearms Act adopted.* Violation of any provision of the Possession and Use of any Firearms, O.R.S. 166.180 to 166.645, inclusive as now or hereafter constituted, shall be an offense against this city.

(F) *Offenses outside city limits.* Where permitted by Oregon law, an act made unlawful by this section shall constitute an offense when committed on any property owned or leased by the city, even though outside the corporate limits of the city.

(G) *Jurisdiction.* In the above acts and codes, the city shall have jurisdiction over violations and misdemeanors only.

(Ord. 264, passed 1-12-1981) Penalty, see § 130.99

DRUG PARAPHERNALIA**§ 130.20 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CONTROLLED SUBSTANCE. A drug or its immediate precursor classified in Schedules I through V under Federal Controlled Substances Act, 21 USC, Section 811 to 812, as modified under O.R.S. 475.035.

DRUG PARAPHERNALIA. All equipment, products and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of this subchapter.

(1) It includes, but is not limited to:

(a) Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;

(b) Kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances;

(c) Isomerization devices used, intended for use or designed for use in increasing the potency of any species of plant which is a controlled substance;

(d) Testing equipment used, intended for use or designed for use in identifying, or in

analyzing the strength, effectiveness or purity of controlled substances;

(e) Scales and balances used, intended for use or designed for use in weighing or measuring controlled substances;

(f) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose used, intended for use or designed for use in cutting controlled substances;

(g) Separation gins and sifters used, or designed for use in removing twigs and seeds from, or otherwise cleaning or refining marijuana;

(h) Blenders, bowls, containers, spoons and mixing devices used, intended for use or designed for use in compounding controlled substances;

(i) Capsules, balloons, envelopes and other containers used, intended for use or designed for use in packaging small quantities of controlled substances;

(j) Containers and other objects used, intended for use or designed for use in storing or concealing controlled substances;

(k) Hypodermic syringes, needles and other objects used, intended for use or designed for use in parenterally injecting controlled substances into the human body;

(l) Objects used, intended for use or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:

1. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls;

2. Water pipes;

- 3. Carburetion tubes and devices;
- 4. Smoking and carburetion masks;
- 5. Roach clips, meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
- 6. Miniature cocaine spoons and cocaine vials;
- 7. Chamber pipes;
- 8. Carburetor pipes;
- 9. Electric pipes;
- 10. Air-driven pipes;
- 11. Chillums;
- 12. Bongs;
- 13. Ice pipes or chillers.

(2) In determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:

- (a) Statements by an owner or by anyone in control of the object concerning its use;
- (b) Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance;
- (c) The proximity of the object, in time and space, to a direct violation of this chapter;
- (d) The proximity of the object to controlled substances;

(e) The existence of any residue of controlled substances on the object;

(f) Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he knows, or should reasonably know, intend to use the object to facilitate a violation of this subchapter; the innocence of any owner, or of anyone in control of the object, as a direct violation of this ordinance shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;

(g) Instructions, oral or written, provided with the object concerning its use;

(h) Descriptive materials accompanying the object which explain or depict its use;

(i) National and local advertising concerning its use;

(j) The manner in which the object is displayed for sale;

(k) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;

(l) Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;

(m) The existence and scope of legitimate uses for the object in the community;

(n) Expert testimony concerning its use.

(Ord. 03-2007, passed 3-5-2007)

§ 130.21 POSSESSION UNLAWFUL.

It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of this subchapter.

(Ord. 03-2007, passed 3-5-2007)

§ 130.22 MANUFACTURE OR DELIVERY UNLAWFUL.

It is unlawful for any person to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of this subchapter.

(Ord. 03-2007, passed 3-5-2007)

§ 130.23 ADVERTISEMENT UNLAWFUL.

It is unlawful for any person to place in any newspaper, magazine, handbill or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

(Ord. 03-2007, passed 3-5-2007)

§ 130.99 PENALTY.

(A) Violation of a provision of § 130.01 is punishable by a fine not to exceed \$100.

(B) Any person who shall violate any of the provisions of § 130.02 shall, upon conviction thereof, be punished by imprisonment in the city jail for a period not to exceed 90 days, or by a fine not to exceed \$300, or both.

(C) Any person who violates any provision of § 130.03 shall be punished as provided in § 10.99.

(D) (1) A first-time conviction for the offense of failure to supervise a child (§ 130.04) shall result in a fine not to exceed \$100.

(2) Each additional conviction for the offense of failure to supervise a child shall result in a fine in an amount to be determined by the Court, not to exceed \$1,000.

(3) In addition to the fines imposed under § 130.04, below, the court may order restitution to a victim of the minor's conduct. The maximum fine imposed shall not exceed \$2,500.

(E) The penalty for the violation of § 130.15 shall be as provided by the statutes adopted.

(F) Any person who violates § 130.21 shall be fined not more than \$2,500.

(G) Any person who violates § 130.22 shall be fined not more than \$2,500.

(H) Any person 18 years of age or older who violates § 130.22 by delivering drug paraphernalia to a person under 18 years of age shall be fined not more than \$2,500.

(G) Any person who violates § 130.23 shall be fined not more than \$5,000.

(Ord. 264, passed 1-12-1981; Am. Ord. 02-2006, passed 8-8-2005; Am. Ord. 08-2006, passed 7-10-2006; Am. Ord. 09-2006, passed 7-10-2006; Am. Ord. 03-2007, passed 3-5-2007)