

Title 9

PUBLIC PEACE, MORALS AND WELFARE

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**CHAPTER 9.04
GENERAL PROVISIONS**

Sections:

- 9.04.010** **Conformity to state standards on offenses against the public peace, safety, morals and general welfare.**
- 9.04.020** **Conformity to state standards on criminal procedure.**
- 9.04.030** **Soliciting or confederating to violate.**
- 9.04.040** **Attempt to commit offenses.**
- 9.04.050** **Violations - Continuous.**
- 9.04.060** **Violations - Penalties.**
- 9.04.070** **Working out fine and costs.**

- 9.04.010** **Conformity to state standards on offenses against the public peace, safety, morals and general welfare.**

A. The policy of the city is that city ordinances pertaining to the public peace, safety, morals and general welfare shall be in conformance with the Oregon Criminal Code of 1971 and its amendments. Notwithstanding any provision contained in a city ordinance, any provision in the Oregon Criminal Code applies in the same manner that the law is applied by the state of Oregon.

B. If an ordinance, or provision thereof, of the city is in conflict with the Oregon Criminal Code, the Oregon Criminal Code shall prevail.

C. No person shall engage in any activity violating the Oregon Criminal Code or city ordinances relating to the public peace, safety, morals and general welfare as the laws and ordinances provide at the time of the activity. (Ord. 286 § 1, 1984)

- 9.04.020** **Conformity to state standards on criminal procedure.**

A. The policy of the city is that criminal procedures of the city shall be in conformance with the Criminal Procedure Code adopted by the 1973 legislative assembly and its amendments. Notwithstanding any provision contained in a city ordinance, any provision in the Oregon Criminal Procedure Code applies in the same manner that the law is applied by the state of Oregon.

B. If an ordinance, or provision thereof, of the city is in conflict with the Oregon Criminal Procedure Code, the Oregon Criminal Procedure Code shall prevail. (Ord. 286 § 2, 1984)

- 9.04.030** **Soliciting or confederating to violate.**

No person shall solicit, aid, abet, employ or engage another, or confederate with another to violate a provision of this title. (Ord. 286 § 49, 1984)

- 9.04.040** **Attempt to commit offenses.**

A person who shall attempt to commit any of the offenses mentioned in this title or any ordinance of the city, but who for any reason is prevented from consummating such act, shall be deemed guilty of an offense. (Ord. 286 § 50, 1984)

- 9.04.050** **Violations – Continuous.**

Whenever, in this title, or any ordinance of the city, 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. (Ord. 286 § 51)

9.04.060 Violations – Penalties.

Violation of any provision of this title is punishable by a fine not to exceed one thousand dollars (\$1,000.00), or imprisonment not to exceed one year, or by both fine and imprisonment; provided, however, if there is a violation of any provision of Oregon statutory law adopted by reference with a lesser penalty attaching, punishment shall be limited to the lesser penalty prescribed in the state law. (Ord. 286 § 52, 1984)

**9.04.070 Community service as
 alternate sentencing
 option.**

When a person shall be convicted of an offense under the laws of the city and shall be adjudged to pay a fine and costs, the municipal judge shall be entitled to order the person to perform community service as an alternative sentencing option as provided in ORS 137.128. Community Service may be imposed in lieu of or in addition to any other sentence or sentencing alternative and the length of the term of Community Service shall be determined by Municipal Judge in the exercise of sound judicial discretion. (Ord. 447 § 1, 2007; Ord. 286 § 53, 1984)

Chapter 9.08

OFFENSES AGAINST PUBLIC PEACE AND DECENCY

Sections:

9.08.010 Discharge of weapons.

9.08.020 Public intoxication and drinking.

9.08.030 Public indecency.

9.08.010 Discharge of weapons.

Except at firing ranges, no person other than a peace officer shall fire or discharge a gun, including spring or air actuated pellet guns, air guns, or other weapons which propel a projectile by use of gunpowder or other explosive, jet or rocket propulsion, except for persons discharging firearms in the lawful defense of persons or property. (Ord. 426 § 7(A), 2003; Ord. 286 § 6, 1984)

9.08.020 Public intoxication and drinking.

No person shall drink or consume intoxicating liquor in a public place, excepting the city park, or in a motor vehicle in a public place. Nothing in this subsection shall be deemed to prohibit drinking of any intoxicating liquor in any establishment wherein the same is sold for on-premises consumption under the laws of the state of Oregon. (Ord. 286 § 28(b), 1984)

9.08.030 Public indecency.

A. No person shall expectorate upon a public sidewalk or street, or on or in a public building, except in receptacles provided for that purpose.

B. No person shall, while in or upon or in view of a public place, urinate or defe-

cate, except in toilets provided for that purpose. (Ord. 286 § 30, 1984)

Chapter 9.12

PROPERTY OFFENSES

Sections:

- 9.12.010 Hauling.**
- 9.12.020 Building entrances-Obstruction.**
- 9.12.030 Obstruction of sidewalks.**
- 9.12.040 City property--Destruction.**
- 9.12.050 Trains--Riding.**
- 9.12.060 Ice and snow removal.**
- 9.12.070 Posted notices and defacement of.**
- 9.12.080 Posters unauthorized.**

9.12.010 Hauling.

No person shall haul sand, gravel, rock, wood, or other substances in any vehicle or conveyance that is so constructed as to allow the sand, gravel, rock, wood, or other substance to fall and litter the public streets of the city. (Ord. 286 § 31, 1984)

9.12.020 Building entrances--Obstruction.

No person shall obstruct an entrance, stairway or hall leading to a building. (Ord. 426 § 7(E), 2003; Ord. 286 § 32, 1984)

9.12.030 Obstruction of sidewalks.

No person shall willfully remain standing, lying or sitting down upon any of the sidewalks of Aurora in such manner as to obstruct the free passage of foot traffic or foot travelers on any portion of the same, or willfully remain standing, lying or sitting thereon in the manner after being requested to move on by any police officer of Aurora. (Ord. 286 § 33, 1984)

9.12.040 City property--Destruction.

No person or persons shall in any way injure or molest any property belonging to the city. (Ord. 286 § 34, 1984)

9.12.050 Trains--Riding.

No person other than a railroad employee shall get on or off of any railroad car or train at any place within the corporate limits of Aurora, or in any manner interfere with railroad cars or trains within the corporate limits of Aurora. (Ord. 286 § 35, 1984)

9.12.060 Ice and snow removal.

It shall be the duty of the owner, lessee, occupant or person having control or custody of any premises or any unimproved property to remove all snow or ice which has fallen or accumulated on the sidewalks abutting such premises or property within six hours after such snow or ice has ceased to be deposited thereon; provided, however, that if such snow is falling or such ice accumulating after the hour of six p.m., the same shall be removed within six hours after it shall cease to be deposited or within six hours after seven a.m. on the next succeeding day, as the case may be. (Ord. 286 § 37, 1984)

9.12.070 Posted notices and defacement of.

No person shall willfully deface or tear down any notice, bulletin or sign before its date of expiration.

Defacement of posted notice is a Class C misdemeanor. (Ord. 286 § 38, 1984)

9.12.080 Posters unauthorized.

No person shall in any manner affix a placard, bill or poster upon personal or real property, private or public, without first obtaining permission of the owner or proper public authority.

Posting of unauthorized posters is a Class C misdemeanor. (Ord. 286 § 39, 1984)

Chapter 9.16

OFFENSES BY OR AGAINST MINORS

Sections:

- 9.16.010 Children confined in vehicles.**
- 9.16.020 Endangering welfare of a minor.**
- 9.16.030 Minors prohibited in certain places.**
- 9.16.040 Purchase or possession of liquor.**
- 9.16.050 Sale or gift of liquor to minor, or to intoxicated or interdicted person.**

9.16.010 Children confined in vehicles.

A. No person who has under his or her control or guidance a child less than eight 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 fifteen (15) consecutive minutes.

B. It is lawful and the duty of a police officer or other law enforcement 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 is confined in order to remove the child. (Ord. 286 § 10, 1984)

9.16.020 Endangering welfare of a minor.

A. No person shall:

1. Knowingly sell, or cause to be sold, tobacco in any form to a person under eighteen (18) years of age;

2. Employ a person under eighteen (18) years of age in or about a cardroom, poolroom, billiard parlor, or dance hall.

B. No person shall aid, abet, or cause a person under eighteen (18) years of age to:

1. Violate a law of the United States, or of the state of Oregon, or to violate a city or county ordinance;

2. Run away or conceal himself or herself from a person or institution having lawful custody of the minor.

C. No person operating or assisting in the operation of a public card room, poolroom, billiard parlor, or public place of amusement shall employ or permit a person under eighteen (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. This subsection shall not apply to the playing of billiards or pool in a recreational facility.

D. 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:

1. Which is clean, adequately lighted and ventilated; and

2. In which no alcoholic liquor is sold or consumed. (Ord. 286 § 11, 1984)

9.16.030 Minors prohibited in certain places.

No person under eighteen (18) years of age shall enter, visit or loiter in or about a public card room, pool hall, billiard parlor or dance hall, except a recreational facility. (Ord. 286 § 12, 1984)

9.16.040 Purchase or possession of liquor.

A. No person under the age of twenty-one (21) years shall attempt to purchase, acquire or have in his possession or her possession alcoholic liquors in a manner other than provided for in the Liquor Control Act of the state of Oregon.

B. For the purposes of this section, "possession of alcoholic liquor" includes the acceptance or consumption of such liquor, or any portion thereof, or a drink of such liquor. (Ord. 286 § 13, 1984)

9.16.050 Sale or gift of liquor to minor, or to intoxicated or interdicted person.

A. No person shall sell alcoholic liquor to any person under the age of twenty-one (21) years, or to a person who is visibly intoxicated.

B. No person other than his or her parents or guardian shall give or otherwise make available any alcoholic liquor to any person under the age of twenty-one (21) years.

C. No person shall give or otherwise make available any alcoholic liquor to a person visibly intoxicated. (Ord. 286 § 14, 1984)

Chapter 9.20

OFFENSES AGAINST ANIMALS

Sections:

- 9.20.010 Cruelty to animals.**
- 9.20.020 Vehicles injuring animals.**
- 9.20.030 Permitting vicious animals to be at large.**
- 9.20.040 Killing of birds prohibited.**
- 9.20.050 Removal of animal carcass.**

9.20.010 Cruelty to animals.

A. Except as otherwise authorized by law, no person shall intentionally or recklessly:

1. Subject any animal under human custody or control to cruel mistreatment;
2. Subject any animal under his or her custody or control to cruel neglect;
3. Kill without legal privilege any animal under the custody or control of another;
4. Lock or confine, or leave an animal unattended, or permit the animal to be locked or confined or left unattended in a vehicle for a period of time longer than is consistent with the health of the animal.

B. No person shall place any poison where it is liable to be eaten by any domestic animal.

C. As used in this section, "animal" includes birds. (Ord. 286 § 20, 1984)

9.20.020 Vehicles injuring animals.

Any person operating a vehicle within the city who runs over, strikes, injures, maims, or kills any domestic animal shall immediately stop and render aid to such animal, if injured, or provide for the disposition of the carcass if the animal is killed; and in either case, such person shall make due and diligent inquiry to determine the owner of the

animal; and if the owner can be found, notify the owner of the occurrence and also report the same forthwith to the chief of police or assistant. (Ord. 286 § 21, 1984)

9.20.030 Permitting vicious animals to be at large.

No person, being the owner of or having the control of any dangerous or vicious animals, and knowing such animal to be dangerous or vicious, shall willfully or negligently permit the animal to be at large in any neighborhood or on any public highway within the city limits. (Ord. 286 § 22, 1984)

9.20.040 Killing of birds prohibited.

No person shall discharge any firearm, air gun or other similar device, or throw any missile at any non-game bird with intent to kill or injure it. (Ord. 286 § 23, 1984)

9.20.050 Removal of animal carcass.

No person, who is the owner of any animal, which dies, shall suffer or permit the carcass to remain upon the public streets or ways; and no person who is owner or occupant of any property shall suffer or permit the carcass of any animal to remain thereon. It shall be the duty of any such owner or occupant to forthwith cause such carcass to be buried or other disposition made of the same. (Ord. 286 § 36, 1984)

Chapter 9.24

CURFEW

Sections:

- 9.24.010** **Exceptions to curfew.**
- 9.24.020** **Hours of curfew.**
- 9.24.030** **Responsibility of parent or guardian.**
- 9.24.040** **Violation by minor.**
- 9.24.050** **Violation by parent or guardian.**

9.24.010 **Exceptions to curfew.**

No minor under the age of eighteen (18) years shall be in or upon any street, highway, park, alley, or other public place between the hours specified in Section 9.24.020, unless:

A. Such minor is accompanied by a parent, guardian or other person eighteen (18) years of age or over and authorized by the parent or by law to have care and custody of the minor;

B. Such minor is then engaged in participating in or traveling to or from a lawful pursuit or activity, including but not limited to a legitimate and protected First Amendment right, and which pursuit or activity requires the presence of the minor in such public place during the hours specified in this chapter; or

C. The minor is emancipated pursuant to ORS 419B.550 to 419B.558. (Ord. 426 § 8, 2003; Ord. 422 § 1, 2000)

9.24.020 **Hours of curfew.**

For minors under the age of sixteen (16) years, the curfew is between ten p.m. and six a.m. of the following morning. For minors sixteen (16) years of age or older, the curfew is between twelve a.m. midnight and six

a.m. of the following morning. (Ord. 411 § 2, 2000)

9.24.030 **Responsibility of parent or guardian.**

No parent, guardian, or person having the care and custody of a minor under the age of eighteen (18) years shall knowingly or negligently allow such minor to be in or upon any street, highway, park, alley or other public place between the hours specified in Section 9.24.020, except as otherwise provided in this chapter. For purposes of this section, a person negligently allows a violation if in the exercise of reasonable diligence the person should have known that a violation would occur. (Ord. 411 § 3, 2000)

9.24.040 **Violation by minor.**

Any minor who violates the provisions of this chapter may be taken into custody as provided in ORS 419C.080, 419C.085 and 419.088 and may be subjected to further proceedings as provided by law. (Ord. 411 § 4, 2000)

9.24.050 **Violation by parent or guardian.**

Violation of Section 9.24.030 of this chapter is a Class 2 civil infraction with a forfeiture amount not to exceed two hundred fifty dollars (\$250.00). (Ord. 411 § 5, 2000)