

ORDINANCE NO. 428

AN ORDINANCE DEFINING OFFENSES AND PROVIDING
A PENALTY

The Town of Lakeview does ordain as follows:

DefinitionsSection 1. Definitions.

(1) As used in this ordinance except where the context indicates otherwise, the following shall mean:

- (a) Council. The common council of the town.
- (b) Minor. Any person under the age of 18 years.
(Amended by Ordinance No. 631)
- (c) Person. Every natural person, firm, partnership, association or corporation.
- (d) Public place. Any building, place or accommodation open and available to the general public, including all municipal buildings.
- (e) Town. The Town of Lakeview, Oregon.

(2) As used in this ordinance the singular includes the plural and the masculine includes the feminine.

Offenses Against the Public Peace.

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

Section 3. Disorderly Conduct.

(1) No persons shall disturb the peace by intentionally:

- (a) Participating or abetting in any rude, indecent, riotous or violent conduct in a public place.
- (b) Using any vulgar, obscene or abusive language in any public place.
- (c) Committing any obscene, indecent or immoral act in any public place.
- (d) Inciting any other person to disturb the peace.
(Amended by Ordinance No. 631.)

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

(3) (a) No person shall enter or remain in a public place, whether as a permittee or invitee, when such person by his conduct

creates, causes or contributes to himself or others being a public nuisance, whether by reason of use of loud or profane language, the use of physical force, the use of obscene language or permitting an obscene or indecent act.

(b) After receiving either oral or written notice to leave the said public place by the owner, manager or authorized employee, said persons shall immediately and peaceably leave said public place.

(c) No person after being advised either orally or in writing to remain away from said public place by the owner, manager or authorized employee, shall re-enter said public place until so authorized by the owner, manager or authorized employee. (Amended by Ordinance No. 631.)

Section 4. Disturbance of Lawful Assemblies. No person shall knowingly interrupt, disturb or annoy any lawful assemblage, 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 5. Concealed Weapons. No person other than an authorized peace officer or person licensed pursuant to ORS 166.290 shall 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 not to exceed 3 1/2 inches in length, or any dirk, dagger, stiletto, metal knuckles or any weapon by the use of which injury could be inflicted upon person or property.

Section 6. Discharge of Weapons:

(1) No person other than an authorized peace officer shall fire or discharge within the town any air gun or weapon which acts by force of gunpowder or other explosive, or by the use of jet or rocket propulsion.

(2) The provisions of this section shall not be construed to prohibit the firing or discharging of any weapon by:

(a) Any person in the defense or protection of his property, person or family.

(b) At any place duly designated or commonly used for target practice.

Section 7. Escape of Prisoners from Custody.

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

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

Section 8. Interference with Police.

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

(2) No person shall offer or endeavor to assist any person in the custody of a police officer or a person duly empowered with police

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authority to escape or attempt to escape from such custody.

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

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

(5) No person shall 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 town.

(6) No person shall knowingly make or file with the police department of the town any false, misleading, or unfounded statement or report concerning the commission or alleged commission of any crime.

Section 9. 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 conduct himself in a disorderly manner or refuse to obey promptly any order of any member of the fire department or to resist, obstruct or hinder any member of the fire department. For the purposes of this section all members of the fire department are endowed with the same powers of arrest as are conferred upon peace officers for violations of the city ordinances.

Section 10. Obstructing Passageways.

(1) No person shall, 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 shall permit such merchandise or equipment to remain on any street or sidewalk beyond a reasonable time.

(3) No person shall, from sunset to sunrise, permit any merchandise, equipment or other obstruction to remain on any street or sidewalk unless a warning light or lights are placed by such obstruction in such a position as to be clearly visible for a distance of at least 200 feet both ways. Provided, however, that such obstructions will be allowed only upon express authorization obtained from the public works superintendent, when such obstruction will not unduly hinder or impede traffic.

(4) No person shall use any street or sidewalk or any portion thereof for the selling, storing or display of merchandise or equipment except as may otherwise be provided by ordinance.

(5) No person shall deposit any earth or other debris upon any street or sidewalk.

Offenses Involving Morals

Section 11. Animals.

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

(2) No person shall fail to provide any animal in his custody with food or drink at least every 36 hours. In addition, no person shall fail to provide any animal in his custody with protection from the elements, which shall include a roof and three walls to protect said animal from the wind, rain and snow. No person shall fail to provide any animal in his permanent custody for more than 30 days with a clean and sanitary pen or enclosure at least 3' X 9' which pen or enclosure shall be cleaned of debris and animal waste by removal at least once each week. (Amended by Ordinance No. 631.)

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

~~(4) No person shall keep any dangerous animal, wild or domesticated, within the city, and no person shall keep any bees, goats, horses, cows, swine, geese or turkeys within the town, except that the provisions of this subsection shall not apply to animals being transported commercially. (Subsection (4) of Section 11, as amended by Ordinance No. 536, passed March 7, 1967.)~~

*Donkey
2
ducks
Rabbit
Sheep*

Section 12. Burglar's Tools. No person shall possess any burglar's 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 13. Buying, Receiving or Concealing Stolen Property. No person shall buy, receive or conceal or attempt to buy property that is known or should be known to such person to have been stolen.

Section 14. Disorderly Houses.

(1) No person shall 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 shall mean 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 narcotic drugs contrary to law.

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

(4) No person shall 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 shall solicit or entice another person to visit or enter a disorderly house.

Section 15. Gambling.

(1) No person shall participate in, operate, or assist in operating a gambling game or activity, including any lottery, or any social game as defined in ORS 167.117 except as [authorized by Ordinance No. 592 (Comp. 8-14)].

(2) No person shall 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 court shall order such property confiscated and destroyed.

[Section 15 as amended by Ordinance No. 592, passed June 4, 1974.]

Section 16. Immoral Practices.

(1) No person shall 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 shall:

(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) Draw, write, or otherwise deface the interior or exterior walls, doors, or windows of any building used by the public with any obscene or immoral writing, printed matter, paper, picture, drawing, or photograph.

(c) Permit any obscene or lewd or immoral writing, printed matter, paper, picture, or photograph to remain on any interior or exterior wall of any building used by the public which is under his control or supervision.

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

(4) No person shall permit 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 shall 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" shall mean 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 shall 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 shall 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 shall allow the presence in such establishment of any person who violates the provisions of this subsection. Provided, however, that this [sub]section shall not apply to female persons regularly employed as barmaids and waitresses.

(8) No person shall unlawfully enter upon or unlawfully remain in or upon any property or building belonging to a third person.

(a) It is presumed that any entry without permission of the owner is unlawful, and that remaining upon any property or in any building after a lawful entry, but upon either a written or oral request to leave, is unlawful.

(b) This section is not applicable to any public official or officer who at the time is performing a lawful duty.

[Subsection 8 as amended by Ordinance No. 598, passed September 2, 1975.]

Section 17. Prostitution.

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

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

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

(4) No person shall 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 shall 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 shall be competent evidence.

Section 18. Innkeepers, Defrauding of.

(1) No person shall, with intent to defraud, obtain any food, lodging, or other accommodations at any hotel, apartment house,

hotel

boarding house, tourist camp, trailer camp or restaurant.

(2) No person shall, after having obtained food, lodging or other accommodation at any hotel, apartment house, boarding house, tourist camp, trailer camp or restaurant surreptitiously remove his baggage and clothing from such hotel, apartment house, boarding house, tourist camp, trailer camp or restaurant without first paying or tendering payment for such food, lodging or other accommodation.

Section 19. Lodging Accommodations.

(1) No persons shall 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 town, 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 shall:

(a) Rent or assign rooms for joint and private occupancy by persons of the opposite sex unless such persons shall be registered as husband and wife, or as parent and minor child.

(b) Rent or assign rooms for joint and private occupancy by persons of the opposite sex 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 20. Occult Arts.

(1) No person shall 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 contained in this section shall be construed to prohibit or prevent:

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See
5 OR App. 102*

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

(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 21. Vagrancy.

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

(2) Vagrants shall mean:

(a) Any person who shall beg for or solicit money or property including but not limited to food, drink or housing in any public or private place. (Amended by Ordinance No. 631 - Section 5.)

Offenses Against Property

Section 22. Destruction of Official Notices and Signs. No person shall wilfully deface or tear down any official notice or bulletin or any official sign or signal posted or placed in conformity with the law.

Section 23. Injury to or Removal of Property.

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

(2) No person shall wilfully or negligently cut, destroy, remove, damage or injure any plant, flower, shrub, tree or bush growing upon any property owned or controlled by the town within or without the corporate limits. (Subsection (2) amended by Ordinance No. 607, passed October 5, 1976.)

(3) No person shall deface, injure, tamper with, wilfully break, damage or destroy any property, real or personal, belonging to or under the control of another. (Subsection (3) amended by Ordinance No. 607, passed October 5, 1976.)

Section 23A.

(1) Any person who steals the property of another, or who wilfully takes, carries, leads or drives away the property of another with the intent to deprive such other of such property permanently, is guilty of theft. (Amended by Ordinance No. 631 - Section 6.)

(2) As used in Subsection (1) of this section, "property" means any real or personal property, having a value under \$200.00, including but not limited to:

(a) Any goods or chattels. (Amended by Ord. No. 631 - Sect. 6.)

(3) Notwithstanding any other provision of law, a peace officer, merchant or merchant's employee who has proper cause for believing that a person has committed theft of property of a store or other retail establishment may detain and interrogate the person in regard thereto in a reasonable manner and for a reasonable time. If a peace officer, merchant or merchant's employee, with proper cause for believing that a person has committed theft of property in the store or other mercantile establishment, detains or interrogates the person in regard thereto, and the person thereafter brings against the peace officer, merchant or merchant's employee a civil or criminal action based upon the detention and interrogation, such proper cause shall be a defense to the action, if the detention and interrogation were done in a reasonable manner and for a reasonable time. (Amended by Ordinance No. 631 - Section 6.)

Section 24. Sidewalks.

(1) No person or group of persons shall so gather or stand upon any sidewalk in such manner as to prevent, impede or obstruct the

free passage of pedestrian traffic.

(2) No person or persons shall fail or refuse to disperse when lawfully ordered to do so by any police officer.

(3) No person shall permit any 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 be opened only with proper safeguards to protect pedestrians using such sidewalk.

Section 25. Taking, Retention or Mutilation of Public Records .

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

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

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

Offenses Against Public Health

Section 26. Expectoration, Urination, Defecation : No person shall expectorate, urinate, or defecate upon any sidewalk or street or on or in any public building or public place except in receptacles or areas specifically provided for that purpose. (Amended by Ord. No. 678)

Section 27. Stench Bombs . No unauthorized person shall throw, drop, pour, deposit or discharge upon the person or property of another any liquid, gaseous or solid substance which is injurious to person or property, or which is nauseous, sickening, irritating or offensive to any of the senses with intent to wrongfully injure, molest or coerce another in the use, management or control of his person or property. No person shall attempt or aid in the attempt or commission of any such prohibited act.

Offenses Affecting Minors

Section 28. Causing to Become Delinquent or Dependent .

(1) The definitions of "delinquent child" and "dependent child" as set forth in ORS 419.502 and 419.102 respectively are hereby adopted by reference and made a part of this ordinance.

(2) No person shall encourage, cause or contribute to the delinquency of any child, or shall command or by threat or persuasion induce any child to perform any act or follow any course of conduct which would cause such child to become or tend to become a delinquent child.

(3) No such person shall by any willful act or by failure to perform any duty cause or tend to cause any child to become a dependent child.

Section 29. Curfew.

(1) No minor, unless legally emancipated, shall be in or upon any street, highway, alley, park or other public place between the hours of 12 midnight and 5:00 a.m. of the following morning unless:

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

(b) Such minor is then engaged in a lawful pursuit or activity which requires his or her presence in such public place during the hours specified in this section.

(2) No parent, guardian or person having the care and custody of an unemancipated minor under the age of 18 shall allow such minor to be in or upon any street, highway, park, alley or other public place between 12 midnight and 5:00 a.m. of the following morning except as otherwise provided by Subparts (a) and (b) of Subsection (1) above.

[Section 29 as amended by Ordinance No. 562, passed October 6, 1970; Ordinance No. 563, passed November 2, 1970; and Ordinance No. 620, §2, passed February 6, 1979.]

Section 30. Penalties. Any person violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by imprisonment for a period of not to exceed one year, or a fine of not to exceed \$1,000.00, or both. [Section 30 as amended by Ordinance No. 552, passed March 4, 1969; and Ordinance No. 620, §3, passed February 6, 1979.]

General

Section 31. Separate Violations. Each violation of a provision of this ordinance shall constitute a separate offense.

Section 32. 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.

Whereas, it is considered necessary for the preservation of the public peace, health and safety of the people of the town of Lakeview that offenses be regulated,

an emergency is hereby declared to exist; and this ordinance shall be in full force and effect from and after its passage by the common council and approval by the mayor.

Passed by the council and approved by the mayor
October 25, 1956.

Section 20.15 Limitations on Livestock in Non-Resource Zones.

In all Zones, except for the A-1, A-2 and F-1 Zones, the following limitations on livestock shall apply:

- A. Livestock shelters shall not be located closer than 40 feet from any property line.
- B. Animals other than cats, dogs and other domestic pets shall be provided at least 20,000 square feet of open area, and shall be limited to the following densities per each 10,000 square feet of open area: one adult horse, pig or cow, five sheep or goats, 24 chickens or rabbits. A nursing horse or cow up to 200 days of age, or a sheep or goat up to 100 days, shall not be considered in calculating the number of allowable animals.
- C. Improper sanitation, feeding and/or housing of such animals shall be considered a violation of this Ordinance.