

TITLE XIII: GENERAL OFFENSES

Chapter

130. OFFENSES AGAINST PUBLIC MORALS

131. GENERAL OFFENSES

132. OFFENSES AGAINST PUBLIC PROPERTY

CHAPTER 130: OFFENSES AGAINST PUBLIC MORALS

Section

130.01 Curfew

§ 130.01 CURFEW.

(A) *Minors on streets at night during times when schools are in session.* It shall be unlawful for any person under 18 years of age to be or to remain upon any street, alley or other public place in the City of Union after 10:00 p.m. Sunday through Thursday, and 11:00 p.m. on Friday and Saturday nights during the months of September through May, unless the person is accompanied by a parent, guardian or other person having custody of the minor, or unless in the performance of duty directed by the parent, guardian or other person having custody, or unless the person is in lawful employment making it necessary to be in places after 10:00 p.m.

(B) *Minors on streets at night during summer vacation.*

(1) It shall be unlawful for any person under 18 years of age to be or remain upon any street, alley or other public place in the city (subject to the limitations of division (B)(2) below) after 11:00 p.m. during the months of June, July and August, unless the person is accompanied by a parent, guardian or other person having custody of the minor, or unless in the performance of duty directed by the parent, guardian or other person having custody, or unless the person is in lawful employment making it necessary to be in places after 11:00 p.m.

(2) It shall be unlawful for any person under 18 years of age to be or remain in the city park after 9:00 p.m. during the months of June, July and August, unless the person is accompanied by a parent, guardian or other person having custody of the minor, or unless in the performance of duty directed by the parent, guardian, other person having custody, or unless the person is in lawful employment making it necessary to be in places after 9:00 p.m.

(C) *Permitting minors to violate curfew.* It shall be unlawful for anyone having the legal care and custody of any person, as described above, to allow or permit the person to go or be upon any public street, alley or other public place in the City of Union during restricted hours as set forth in divisions (A) and (B) above, except in case of emergency.

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(D) *Detaining minors.* Every member of the City of Union police force, while on duty, is hereby authorized to detain any minor wilfully violating the provisions of divisions (A) and (B) above until the parent or guardian of the child shall take him or her into custody, but the officer shall immediately, upon taking custody of the child, communicate with the parent or guardian.

(E) *Delinquent minors.* If it shall appear that any child taken into custody for violation of the first and second sections of this section is incorrigible, beyond parental control or has no home, proper proceedings shall be taken to have the child placed in the care of the State of Oregon as provided by statute.

(F) *Responsibility of parent, guardian or other adult having care and control of minor.* It shall be unlawful for the parent, guardian or other adult person having the care and custody of a minor under the age of 18 years to knowingly permit the minor to be or remain upon any street, alley or other public place in the City of Union as described in divisions (A) and (B) above.

(G) *Exceptions.* This section does not apply to a minor who is:

- (1) Accompanied by the minor' s parent or guardian;
- (2) On an errand at the direction of the minor' s parent or guardian, without any detour or stop;
- (3) In a motor vehicle involved in interstate travel;
- (4) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
- (5) Involved in an emergency;
- (6) On the sidewalk abutting the minor' s residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor' s presence;
- (7) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor;
- (8) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
- (9) Married or had been married or had disabilities of minority removed in accordance with state law.

(Ord. 311, passed 5-3-1976; Ord. 495, passed 7-18-2005) Penalty, see § 10.99

CHAPTER 131: GENERAL OFFENSES

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Cross-reference:

Animals, see Chapter 91

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GENERAL PROVISIONS

§ 131.001 OREGON CRIMINAL CODE ADOPTED.

(A) O.R.S. Chapters 161, 162, 163, 164, 165, 166 and 167, except for any provision classified as a felony under state law, are adopted by reference. Violation of an adopted provision of those chapters is an offense against this city.

(B) The provisions of O.R.S. Chapter 161, relating to defenses, burden of proof, general principles of criminal liability, parties and general principles of justification apply to offenses defined and made punishable by this chapter.

(C) Except where the context clearly indicates a different meaning, definitions appearing in the general definitional and other particular sections of chapters adopted by division (A) above are applicable throughout this chapter.

(Ord. 461, passed 6-8-1998)

§ 131.002 CONSOLIDATED OFFENSES.

(A) Any person committing an offense listed in the Oregon Revised Statutes which is a “ B” or “ C” misdemeanor may cited under this section to appear in Municipal Court with the accompanying O.R.S. code.

(B) Any person violating a provision of the Uniform Fire Code may be cited under this section to appear in Municipal Court.

(C) Any person violating a provision of the Union nuisance ordinances, zoning ordinance, subdivision ordinance or building codes ordinance may be cited under this section to appear in Municipal Court.

(Ord. 461, passed 6-8-1998)

§ 131.003 SOLICITING OR CONFEDERATING TO VIOLATE ORDINANCES.

No person shall solicit, aid, abet, employ or engage another, or confederate with another, to violate a provision of this or any other ordinance of the city.

(Ord. 461, passed 6-8-1998) Penalty, see § 131.999

§ 131.004 ATTEMPT TO COMMIT OFFENSES.

A person who shall attempt to commit an offense mentioned in this chapter or any ordinance of the city, but who for any reason is prevented from consummating the act, shall be deemed guilty of an offense.

(Ord. 461, passed 6-8-1998)

§ 131.005 SEPARATE VIOLATIONS.

Whenever in this chapter or any ordinance of the City of Union, an act is prohibited, 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 of an offense, each day a violation continues shall constitute a separate offense.

(Ord. 461, passed 6-8-1998)

§ 131.006 NUISANCE ABATEMENT.

In addition to the imposition of penalties, violations of §§ 131.103, 131.145, 131.147 and 131.169 through 131.171 are declared to be public nuisances and subject to abatement, as provided in Ord. 227 or other lawful means.

(Ord. 461, passed 6-8-1998)

DISORDERLY CONDUCT AND RELATED OFFENSES

§ 131.015 ASSAULT.

No person shall intentionally, knowingly or recklessly cause physical injury to another.
(Ord. 461, passed 6-8-1998) Penalty, see § 131.999

§ 131.016 MENACING.

No person shall by word or conduct shall intentionally attempt to place another person in fear of imminent serious physical injury.
(Ord. 461, passed 6-8-1998) Penalty, see § 131.999

§ 131.017 RECKLESSLY ENDANGERING ANOTHER PERSON.

No person shall recklessly engage in conduct which creates a substantial risk of serious physical injury to another person.
(Ord. 461, passed 6-8-1998) Penalty, see § 131.999

§ 131.018 DISORDERLY CONDUCT.

No person shall, with intent to cause public inconvenience, annoyance or alarm, or by recklessly creating a risk thereof:

(A) Engage in fighting or in violent, tumultuous or threatening behavior;

(B) Disturb any lawful assembly of persons without lawful authority;

(C) Obstruct vehicular or pedestrian traffic in or on a public way or public place;

(D) Congregate with other persons in a public place and refuse to comply with a lawful order of the police to disperse;

(E) Initiate or circulate a report, knowing it to be false, concerning an alleged or impending fire, explosion, crime catastrophe or other emergency;

(F) Create a hazardous or physically offensive condition by any act which he or she is not licensed or privileged to do; and

(G) Engage in mutual combat in public or in any place open to public view, disturbing any group of adults and causing a complaint, or being viewed by any child.
(Ord. 461, passed 6-8-1998) Penalty, see § 131.999

§ 131.019 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 of city ordinances.
(Ord. 461, passed 6-8-1998) Penalty, see § 131.999

§ 131.020 DRINKING IN PUBLIC PLACES.

(A) No person shall drink or consume alcoholic liquor in or upon a street, alley, mall, parking lot or structure, motor vehicle, public grounds or other public places unless licensed for that purpose by the Oregon Liquor Control Commission.

(B) No person shall be intoxicated or under the control of a controlled substance in a public place or in any place exposed to public view and conduct himself or herself in such a fashion as to interfere with, cause inconvenience or obstruct the free use of any street, sidewalk, public gathering, park, public golf course or other public way or conveyance.
(Ord. 461, passed 6-8-1998) Penalty, see § 131.999

§ 131.021 LOITERING.

No person shall:

(A) Loiter in or near a school building or grounds, not having any reason or relationship involving custody of or responsibility for a student or, upon inquiry by a peace officer or school official, not having a specific legitimate reason for being there;

(B) Loiter in 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; and

(C) (1) A person commits a violation if he or she loiters or prowls in a place, at a time, or in a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether alarm is warranted is the fact that the person takes flight upon appearance of a police officer,

refuses to identify himself or herself, or manifestly endeavors to conceal himself or herself or any object. Unless flight by the person or other circumstances makes it impractical, a police officer shall, prior to any arrest for an offense under this section, afford the person an opportunity to dispel any alarm which would otherwise be warranted, by requesting the person to identify himself or herself and to explain his or her presence or conduct. No person shall be convicted of an offense under this section if the police officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the person was true and, if it had been believed by the police officer at the time, would have dispelled the alarm. Any police officer may arrest any person suspected of being a loiterer or prowler without a warrant if it reasonably appears that the delay in arresting the suspect caused by obtaining a warrant would result in the suspect's escape.

(2) It shall be unlawful for any person, after first being warned by a police officer, or where a "no loitering" sign or signs have been posted, to loiter, stand, sit, or lie in or upon any public or quasi-public sidewalk, street, curb, cross-walk, walkway area, mall or that portion of private property utilized for public use, so as to hinder or obstruct unreasonably the free passage of pedestrians or vehicles thereon. It shall be unlawful for any person to block, obstruct, or prevent free access to the entrance to any building open to the public.

(3) For the purpose of this section, **PUBLIC PLACE** has the following definition unless the context clearly indicates or requires a different meaning: an area generally visible to public view, including streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles (whether moving or not), and buildings open to the general public, including those which serve food or drink or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.

(Ord. 461, passed 6-8-1998) Penalty, see § 131.999

§ 131.022 HARASSMENT.

No person shall, with intent to harass, annoy or alarm another person:

(A) Subject another to offensive physical contact;

(B) Publicly insult another by abusive or obscene words or gestures in a manner likely to provoke a violent or disorderly response; and

(C) Engage in a course of conduct that alarms or seriously annoys another person and which serves no legitimate purpose.

(Ord. 461, passed 6-8-1998) Penalty, see § 131.999

§ 131.023 ABUSE OF VENERATED OBJECTS.

(A) No person shall intentionally abuse a public monument, structure, a place of worship or burial, or the national or state flag.

(B) As used in this section, *ABUSE* means to deface, damage, defile or otherwise physically mistreat in a manner likely to outrage public sensibilities.
(Ord. 461, passed 6-8-1998) Penalty, see § 131.999

§ 131.024 UNNECESSARY NOISE.

No person shall create or assist in creating or permit the continuance of unreasonable noise in the City of Union. The following enumeration of violations of this section is not exclusive but is illustrative of some unreasonable noises:

(A) The keeping of an animal which by loud and frequent or continued noise disturbs the comfort and repose of a person in the vicinity;

(B) The use of an engine, thing or device which is so loaded, out of repair or operated in such a manner as to create a loud or unnecessary grating, grinding, rattling or other noise;

(C) The use of a mechanical device operated by compressed air, steam or otherwise, unless the noise created thereby is effectively muffled;

(D) The construction, including excavation, demolition, alteration or repair of a building other than between the hours of 7:00 a.m. and 6:00 p.m., except upon special permit granted by the city; and

(E) The use or operation of an automatic or electric piano, phonograph, loudspeaker or sound-amplifying device so loudly as to disturb persons in the vicinity between the hours of 10:00 p.m. and 7:00 a.m.; provided however, that upon application to the Council, permits may be granted to responsible persons or organizations to broadcast programs of music, news, speeches or general entertainment.

(Ord. 461, passed 6-8-1998) Penalty, see § 131.999

§ 131.025 PROWLING.

No person shall remain, loiter or wander upon the private property of another without visible or lawful business with the owner or controller thereof.

(Ord. 461, passed 6-8-1998) Penalty, see § 131.999

§ 131.026 GRAFFITI.

No person shall damage or deface public or private property by means of writing, drawing, painting, placing debris, earth, natural or manufactured substances, without the permission of the owner or controller of the property to do the same.

(Ord. 461, passed 6-8-1998) Penalty, see § 131.999

§ 131.027 PARK AND TRANSFER STATION VIOLATIONS.

No person shall violate any rule, regulation or order of a public agency regulating, managing or maintaining a public park or golf course, transfer station or recycling depot.

(Ord. 461, passed 6-8-1998) Penalty, see § 131.999

§ 131.028 CONCEALED WEAPONS.

(A) Except as provided in O.R.S. 166.260 and 166.293, as now constituted and hereafter amended, no person shall carry concealed about his or her person or carry concealed in a vehicle a revolver, pistol or other firearm, or any knife other than an ordinary pocket knife, any dirk, nagger or stiletto, any metal knuckles or any other weapon by the use of which injury could be inflicted upon the person or property of another.

(B) For purposes of this section, an ordinary pocket knife is one with a maximum blade length of three and one half inches, which is not a switch-blade or spring-blade knife.

(Ord. 461, passed 6-8-1998) Penalty, see § 131.999

§ 131.029 DISCHARGE OF FIREARMS.

(A) No person other than a police officer acting in his or her capacity as such, shall discharge a firearm within the limits of the city except under the following circumstances:

(1) When the discharge occurs at a firing range approved by the city council and the discharge is conducted in a safe and reasonable manner and with due regard for the safety of all persons and property;

(2) When the discharge is by a person duly licensed by the Oregon Department of Agriculture as a custom slaughterer provided that the person is acting within the scope of the authority granted by the license and in furtherance of the activities for which the license has been obtained. Sight securing should be used when possible during all slaughter activity;

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(3) When the discharge is for the humanitarian purpose of euthanizing an animal that has been injured or ailing. Sight securing should be used when possible during all slaughter activity; or

(4) When the discharge is in full compliance with a permit issued by the City Council of the City of Union or its designee.

(B) The permit referred to in division (A) of this section may be issued only for such purposes as may be considered by the city to be reasonable and necessary when a firearm is required in furtherance of a legitimate and otherwise lawful activity, but not including target practice outside of an approved firing range.

(C) (1) All permits issued pursuant to this chapter shall contain the following provision:

“ Permittee’ s use of a firearm shall at all times be conducted in a safe and reasonable manner, and all reasonable precautions shall be made to prevent harm to any person or the property of any person. The permittee shall be solely responsible for any and all injury arising out of permittee’ s activities. In no event shall the City of Union be responsible for injury to person or property as a result of the permittee’ s activities. Permittee shall indemnify, defend, and hold harmless the City of Union of and from any and all claims by any person for any injury, whether bodily injury, property injury, or otherwise, as a result of permittee’ s activities.”

(2) Sight securing should be used when possible during all slaughter activity.

(D) Any permit issued pursuant to this section may contain such additional conditions as deemed appropriate such as limits on the location of use, limits relating to time of day, and special precautions relating to safety.

(E) A permit shall be personal to a specifically named permittee who shall be a natural person. No permit issued pursuant to this section is assignable or transferable. Every permit shall be limited in duration for a period which the issuing official, in that official’ s discretion, deems reasonable considering the purpose for the issuance of the license.

(F) In furtherance of the permitting process, the city may require a prospective permittee to supply permittee’ s name, address, and such other information as the city deems appropriate including, but not limited to, specifics about the location of the proposed usage of the firearm, the proposed permittee’ s experience with firearms, the proximity of other persons and property to the place of use, and alternatives that may accomplish the same purpose as a firearm would.

(G) For purposes of this section, a starter’ s pistol that cannot propel any projectile and that is being used in the course of athletic activity or in the training of hunting dogs shall not be considered a firearm.

(H) This section shall not be applied against a farm practice that is in fact protected by O.R.S. 30.930 through 30.937 as such statutes may read at the time of an alleged violation hereof. Nor shall this section be interpreted as declaring any farm activity to be a trespass or nuisance when such practices are protected by such statutes.

(I) This section is not intended to provide for a private right of action for damages or equitable relief based upon a violation hereof.

(Ord. 461, passed 6-8-1998; Ord. 519, passed 7-13-2009) Penalty, see § 131.999

§ 131.030 DISPLAY OF A WEAPON.

Possession or display of a deadly or dangerous weapon or firearm in the city park, golf course, public offices or any building open to the public while intoxicated or under the influence of a controlled substance or while committing any other offense shall constitute a separate violation.

(Ord. 461, passed 6-8-1998)

§ 131.031 FIREWORKS.

(A) It shall be a violation for a person to possess or discharge any illegal fireworks or explosives, including any pyrotechnic device that has a report, explosion or leaves the ground.

(B) The sale of any illegal fireworks or explosives shall be a violation.

(C) It shall be a violation for a person to discharge permitted fireworks in dry grass, leaves or any other location where they may contact dry, combustible materials.

(Ord. 461, passed 6-8-1998) Penalty, see § 131.999

OFFENSES RELATING TO PROPERTY

§ 131.045 THEFT.

(A) O.R.S. 164.015 to 164.045, O.R.S. 164.065 and O.R.S. 164.085 to 164.125 as now or hereafter constituted, are adopted by reference and made a part of this chapter, save and except penalty provisions.

(B) It shall be a violation to negotiate a check or checks written with the single or aggregate amount of less than \$300 which is returned by the respective bank as “not sufficient funds” or “insufficient funds”.

(Ord. 461, passed 6-8-1998)

§ 131.046 TRESPASS.

No person shall enter or remain unlawfully in or upon premises.
(Ord. 461, passed 6-8-1998) Penalty, see § 131.999

§ 131.047 VIOLATING PRIVACY FOR ANOTHER.

No person other than a peace officer performing a lawful duty shall enter upon land or into a building used in whole or in part as a dwelling not his or her own without permission of the owner or person entitled to possession thereof and while so trespassing look through or attempt to look through a window, door or transom of the dwelling or that part of the building used as a dwelling with the intent to violate the privacy of any other person.
(Ord. 461, passed 6-8-1998) Penalty, see § 131.999

§ 131.048 MISCHIEF.

(A) No person shall, with intent to cause substantial inconvenience to the owner or to another person, and having no right to do so nor reasonable ground to believe he or she has the right, tamper or interfere with property of another.

(B) No person shall, while having no right to do so nor reasonable ground to believe that he or she has the right, intentionally damage property of another or recklessly damage property of another.
(Ord. 461, passed 6-8-1998) Penalty, see § 131.999

SEXUAL AND RELATED OFFENSES

§ 131.065 ACCOSTING FOR DEVIATE PURPOSES.

No person shall, while in a public place, invite or request another person to engage in deviate sexual intercourse.
(Ord. 461, passed 6-8-1998) Penalty, see § 131.999

§ 131.066 PUBLIC INDECENCY.

No person shall, while in or in view of a public place, perform:

- (A) An act of sexual intercourse;
- (B) An act of deviate sexual intercourse;

(C) An act of exposing his or her genitals with the intent of arousing the sexual desire of himself or herself or another person; and

(D) An act of urination or defecation, except in toilets provided for that purpose.
(Ord. 461, passed 6-8-1998) Penalty, see § 131.999

MINORS

§ 131.080 CHILD NEGLECT.

(A) No person having custody or control of a minor child under ten years of age shall, with criminal negligence leave the child unattended in or at any place for such period of time as may be likely to endanger the health or welfare of the child.

(B) It shall be lawful and the duty of a police officer or other peace officer finding a child confined in violation of the terms of this section, to enter the place and remove the child, using such force as is reasonably necessary to effect an entrance to the place where the child may be confined in order to remove the child.

(C) *PLACE* shall include but not be restricted to vehicles.
(Ord. 461, passed 6-8-1998) Penalty, see § 131.999

§ 131.081 MISREPRESENTATION OF AGE BY MINOR.

No person shall:

(A) Being less than a certain, specified age, knowingly represent himself or herself to be of any age other than his or her true age with the intent of securing a right, benefit or privilege which by law is denied to persons under that certain, specified age; and

(B) Being unmarried, knowingly represent that he or she is married with the intent of securing a right, benefit or privilege which by law is denied to unmarried persons.
(Ord. 461, passed 6-8-1998) Penalty, see § 131.999

§ 131.082 MEDICINE SAMPLES; DELIVERY TO MINORS.

No person shall knowingly distribute or give away samples of any medicines or drugs to any minor person within the city.
(Ord. 461, passed 6-8-1998) Penalty, see § 131.999

§ 131.083 PURCHASE OF PROPERTY FROM MINORS.

No person shall purchase any property or article of value from any minor or have any dealings respecting the title of any property in the possession of any minor without the written consent of the parent or guardian of the minor.

(Ord. 461, passed 6-8-1998) Penalty, see § 131.999

§ 131.084 MINORS IN POSSESSION OF ALCOHOLIC LIQUOR.

(A) No person other than his or her parent or guardian shall sell, give, furnish, serve or otherwise make available any alcoholic liquor to any person under the age of 21 years.

(B) No person under the age of 21 years shall attempt to purchase, purchase or acquire alcoholic liquor. Except when the minor is in a private residence accompanied by his or her parent or guardian and with the parent's or guardian's consent, no person under the age of 21 years shall have in his or her possession alcoholic liquor.

(C) For the purposes of this section, possession of alcoholic liquor includes the acceptance or consumption of a bottle of the liquor, any portion thereof or a drink of the liquor. However, this section does not prohibit the acceptance or consumption by any person of sacramental wine as part of a religious rite or service.

(Ord. 461, passed 6-8-1998) Penalty, see § 131.999

§ 131.085 DELIVERING OR SELLING LIQUOR BY MINOR.

(A) Except as provided in division (C) below, no minor, either for himself, herself or as agent or employee of another, shall sell, offer for sale or deliver any alcoholic liquor.

(B) Except as provided in division (C) below, no person shall employ, hire or engage any minor to sell, offer for sale or deliver any alcoholic liquor.

(C) Any employee 18 years of age or older of a person who holds any package store license from the Oregon Liquor Control Commission may sell any alcoholic liquor authorized by the license on the licensed premises.

(D) A minor, for purposes of this section, shall be considered a person under the age of 21.

(Ord. 461, passed 6-8-1998) Penalty, see § 131.999

ANIMALS

§ 131.100 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; and
- (3) Kill without legal privilege any animal under the custody or control of another, or any wild bird.

(B) As used in this section, *ANIMAL* includes birds.

(Ord. 461, passed 6-8-1998) Penalty, see § 131.999

§ 131.101 POISONING OF ANIMALS.

No person shall put out or place any poison where the same is liable to be eaten by any horse, cattle, sheep, hog, dog or other domestic animals.

(Ord. 461, passed 6-8-1998) Penalty, see § 131.999

§ 131.102 VEHICLES INJURING ANIMALS.

Any person operating a vehicle within the city who shall run over, strike, injure, maim or kill any domestic animal shall immediately stop and render aid to the animal, if injured, or provide for the disposition of the carcass, if the animal is killed, and in either case, the person shall make due and diligent inquiry to determine the owner of the animal; and if the owner be found, he or she shall notify him or her of the occurrence and also report the same forthwith to the Chief of Police or his or her assistant.

(Ord. 461, passed 6-8-1998)

§ 131.103 REMOVAL OF CARCASSES.

No person shall permit an animal carcass owned or controlled by him or her to remain upon public property, or to be exposed on private property, for a period of time longer than is reasonably necessary to remove or dispose of the carcass.

(Ord. 461, passed 6-8-1998) Penalty, see § 131.999

OBSTRUCTING GOVERNMENTAL ADMINISTRATION

§ 131.120 UNSWORN FALSIFICATION.

No person shall knowingly make any false written statement to a public servant in connection with an application for any benefit.

(Ord. 461, passed 6-8-1998) Penalty, see § 131.999

§ 131.121 OBSTRUCTING GOVERNMENTAL ADMINISTRATION.

(A) No person shall intentionally obstruct, impair or hinder the administration of law or other governmental function by means of intimidation, force or physical interference or obstacle.

(B) This section shall not apply to the obstruction of unlawful governmental action or interference with the making of an unlawful arrest.

(Ord. 461, passed 6-8-1998) Penalty, see § 131.999

§ 131.122 TAMPERING WITH PUBLIC RECORDS.

No person shall, without lawful authority, knowingly destroy, mutilate, conceal, remove, make a false entry in or falsely alter any public record.

(Ord. 461, passed 6-8-1998) Penalty, see § 131.999

§ 131.123 IMPERSONATION.

No person shall, with intent to obtain a benefit or to injure or defraud another, falsely impersonate a public servant and do an act in such assumed character.

(Ord. 461, passed 6-8-1998) Penalty, see § 131.999

§ 131.124 FALSE REPORTS.

(A) No person shall knowingly initiate a false alarm or report which is transmitted to a Fire Department or law enforcement agency or other organization that deals with emergencies involving danger to life or property.

(B) No person shall knowingly make or file with the Police Department, the City Attorney or a police officer engaged in his or her official duties, a false, misleading or unfounded statement or report concerning the violation or alleged violation of a city ordinance, the commission or alleged commission of a crime.

(Ord. 461, passed 6-8-1998) Penalty, see § 131.999

§ 131.125 REFUSING TO ASSIST IN FIRE-FIGHTING OPERATIONS.

No person shall:

(A) Upon command by a person known by him or her to be a firefighter, unreasonably refuse or fail to assist in extinguishing a fire or protecting property threatened thereby; or

(B) Upon command by a person known by him or her to be a firefighter or peace officer, intentionally and unreasonably disobey a lawful order relating to his or her conduct in the vicinity of the fire.

(Ord. 461, passed 6-8-1998) Penalty, see § 131.999

§ 131.126 RESISTING OR REFUSING TO AID OFFICER.

(A) No person shall resist any peace officer acting in the performance of his or her duties or, when requested to do so, refuse to assist any such officer in the discharge of his or her duties or by any means whatsoever hinder, delay or obstruct any officer acting in the performance of his or her duties.

(B) As used in this section, “resist” refers to the ordinary meaning of the term.

(C) It is no defense to a prosecution under this section that the peace officer lacked legal authority to make an arrest: provided, he or she was acting under color of his or her official authority.

(Ord. 461, passed 6-8-1998) Penalty, see § 131.999

§ 131.127 ESCAPE.

No person shall:

(A) Knowingly escape or attempt to escape from official detention;

(B) Knowingly cause, aid, assist, abet or facilitate an escape from official detention; and

(C) As used in this section:

(1) **ESCAPE** means an unlawful departure; and

(2) **OFFICIAL DETENTION** means:

(a) Arrest by a peace officer;

(b) Detention in a vehicle or facility for the transportation or custody of persons under arrest, charge or conviction of an offense;

(c) Detention for extradition or deportation; and

(d) Other detention because the person detained is charged with or convicted of an offense.

(Ord. 461, passed 6-8-1998) Penalty, see § 131.999

§ 131.128 POLICE AND FIRE COMMUNICATIONS.

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 or Fire Department radio communication system.

(Ord. 461, passed 6-8-1998) Penalty, see § 131.999

§ 131.129 DELIVERIES TO PRISONERS.

No person shall deliver, by any means whatsoever, intoxicating liquor, dangerous drugs or narcotic drugs as defined by state law to a person confined in the city jail, or attempt to convey or deliver to the person any article without the consent of the officer in charge.

(Ord. 461, passed 6-8-1998) Penalty, see § 131.999

STREET AND SIDEWALK OFFENSES

§ 131.145 OBSTRUCTION OF BUILDING ENTRANCES.

No person shall obstruct any entrance to any building or loiter unnecessarily about or near any entrance, stairway or hall leading to any building.

(Ord. 461, passed 6-8-1998) Penalty, see § 131.999

§ 131.146 CELLAR DOORS AND GRATES.

No owner or person in charge of property shall permit a cellar door or grate located in or upon a sidewalk or public pathway to remain open except when the entrance is being used and, when being used, there are adequate safeguards for pedestrians using the sidewalk.

(Ord. 461, passed 6-8-1998) Penalty, see § 131.999

§ 131.147 OBSTRUCTION OF FIRE HYDRANTS.

No owner of property adjacent to a street upon which is located a fire hydrant shall place or maintain within eight feet of the fire hydrant any bush, shrub, tree or other obstruction.
(Ord. 461, passed 6-8-1998) Penalty, see § 131.999

§ 131.148 VENDING GOODS ON STREETS OR SIDEWALKS.

No person shall use or occupy any portion of a street or sidewalk for the purpose of vending goods, wares or merchandise by public outcry or otherwise, unless a license has first been obtained.
(Ord. 461, passed 6-8-1998) Penalty, see § 131.999

MISCELLANEOUS**§ 131.165 BEGGING.**

No person shall accost another in a public place for the purpose of soliciting alms.
(Ord. 461, passed 6-8-1998) Penalty, see § 131.999

§ 131.166 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 the possession thereof.
(Ord. 461, passed 6-8-1998) Penalty, see § 131.999

§ 131.167 SELLING OR PLEDGING PROPERTY OF INTOXICATED PERSONS.

No person shall purchase property from any person who is in an intoxicated condition or under the influence of any narcotic drug, or advance or loan money to the person, or have any dealings with any person respecting the title of property.
(Ord. 461, passed 6-8-1998) Penalty, see § 131.999

§ 131.168 POSTED NOTICES.

No person shall affix a placard, bill or poster upon personal or real property, private or public, without first obtaining permission from the owner thereof or from the proper public authority.
(Ord. 461, passed 6-8-1998) Penalty, see § 131.999

§ 131.169 HAULING.

No person shall haul sand, gravel, rock, wood or other substances in any 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 the public streets of the city.

(Ord. 461, passed 6-8-1998) Penalty, see § 131.999

§ 131.170 OFFENSIVE LITTERING.

(A) No person shall create an objectionable stench or degrade the beauty or appearance of property or detract from the natural cleanliness or safety of property by intentionally:

(1) Discarding or depositing any rubbish, trash, garbage, debris, carcass or other refuse upon the land of another without permission of the owner, or upon any public way;

(2) Draining, or causing or permitting to be drained, sewage or the drainage from cesspools, septic tanks, recreational or camping vehicle waste holding tank or other contaminated sources upon the land of another without permission of the owner; or upon any public way; and

(3) Permitting any rubbish, trash, garbage, debris or other refuse to be thrown from a vehicle which he or she is operating; except that this section shall not apply to a person operating a vehicle transporting passengers for hire subject to regulation by the Interstate Commerce Commission or the Public Utility Commissioner of Oregon or a person operating a school bus, as defined in O.R.S. 801.460.

(B) As used in this section, **PUBLIC WAY** includes, but is not limited to roads, streets, alleys, lanes, trails, beaches, parks and all recreational facilities operated by the city, state or county for use by the general public.

(C) Fines will be double if littering occurs on private property, public park, golf course or waterway.

(Ord. 461, passed 6-8-1998) Penalty, see § 131.999

§ 131.171 CREATING A HAZARD.

No person shall create a hazard by:

(A) Intentionally maintaining or leaving in a place accessible to children a container with a compartment of more than one and one-half cubic feet capacity and a door or lid which locks or fastens automatically when closed and which cannot be easily opened from the inside; or

(B) Being the owner or otherwise having possession of property upon which there is a well, cistern, cesspool, excavation or other hole of a depth of four feet or more and a top width of 12 inches or more, intentionally fail or refuse to cover or fence it with a suitable protective construction.
(Ord. 461, passed 6-8-1998) Penalty, see § 131.999

§ 131.172 OCCULT ARTS.

No person shall engage in the practice of fortune telling, astrology, phrenology, palmistry, clairvoyance, mesmerism or spiritualism, or conduct any spiritualistic readings or exhibitions of any such character for hire or profit; provided, however, that this section shall not be deemed to prohibit any person from conducting or carrying on any of the abovementioned arts if duly licensed to do so under any of the ordinances of the city.
(Ord. 461, passed 6-8-1998) Penalty, see § 131.999

§ 131.999 PENALTY.

Violation of any provision of this chapter is punishable according to the provisions of Ordinance 359 by a forfeiture not to exceed \$500; provided, however, if there is a violation of any provision identical to a state statute with a lesser penalty attaching, punishment shall be limited to the less penalty prescribed in the state law.
(Ord. 461, passed 6-8-1998)

CHAPTER 132: OFFENSES AGAINST PUBLIC PROPERTY

Section

132.01 Reward for arrest and conviction of persons damaging city property

§ 132.01 REWARD FOR ARREST AND CONVICTION OF PERSONS DAMAGING CITY PROPERTY.

(A) *Vandalism.* The Common Council of the City of Union, Oregon, is hereby authorized to offer a reward to any person or persons supplying information leading to the arrest and conviction of anyone damaging or destroying city property or violating any ordinance of the City of Union.

(B) *Reward for information.* The amount of any reward so offered shall rest in the discretion of the Council, taking into consideration the seriousness of the property damage or the ordinance violation, but shall not exceed the sum of \$250.
(Ord. 277, passed 10-29-1969)

