

Title 9

PUBLIC PEACE, MORALS, AND WELFARE

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Chapter 9.01

CRIMINAL CODE

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- 9.01.120 Extraterritorial effect.

(Repealed by Ord. 269, 1995)

9.01.010 Title. This chapter shall be referred to as the 1995 Criminal Code for the City of Sisters. (Ord. 144 §1, 1981; amended by Ord. 269, 1995)

9.01.020 Application of the Oregon Criminal Code. Provisions of the Oregon Criminal Code of 1993, as they now exist, relating to defenses, burden of proof, general principles of criminal liability, parties, general principles of justification, classification of offenses and penalties shall apply to offenses defined and made punishable by this chapter. (Ord. 144 §2, 1981; amended by Ord. 180, 1985; amended by Ord 182, 1985; amended by Ord. 206, 1987; amended by 232, 232-A, 1990; Amended by Ord. 269, 1995)

9.01.030 Definitions. Except where the context clearly indicates a different meaning, the general definitions and the definitions appearing in the definitional and other sections of particular chapters of the Oregon Criminal Code, as they now exist, shall be applicable throughout this chapter. (Ord. 144 §3, 1981; amended by Ord. 180, 1985; amended by Ord. 182, 1985; amended by Ord. 206, 1987; amended by Ord. 232, 1990; amended by 232-A, 1993; Amended by Ord. 269, 1995)

9.01.040 Oregon Criminal Code sections adopted. In addition to any specific criminal provisions set forth in this Chapter, the following Chapters of the Oregon Revised Statutes, otherwise known as the Oregon Criminal Code, are hereby adopted by reference: 131, 132, 133, 135, 136, 137, 138, 142, 144, 146, 147, 151, 153, 156, 157, 161, 162, 163, 164, 165, 166, 167, 169, 419A, 419B, 419C, 471 and 475. (Ord. 144 §2, 1981; amended by Ord. 180, 1985; amended by Ord. 182, 1985; amended by Ord. 206, 1987; amended by Ord 232, 1990, amended by 232-A, 1993; amended by Ord. 269, 1995)

9.01.050 Offenses against the city and public justice.

- (1) Failure to Follow Lawful Direction of a Police Officer, Definitions, Penalty.
- (2) For the purpose of this code section, the following definitions apply:
 - (a) "Arrest" means to place a person under actual or constructive restraint for the purpose of charging him or her with an offense.
 - (b) "Custody" means to place a person under actual or constructive restraint pursuant to a Court order or other lawful purpose.
 - (c) "Emergency situation" means any situation in which the life or safety of any person is or may be threatened, including the life of the police officer.
 - (d) "Offense investigation" means an investigation by a police officer into the commission of an offense prohibited by federal, state or local law.
 - (e) "Police officer" means any sworn member of the Sisters Police Department, including

a reserve police officer on active duty.

(f) "Stop" means a temporary restraint of a person's liberty by a police officer lawfully present in any place: (1) When such officer reasonably suspects that such person is committing, or has committed an offense, or (2) When such officer reasonably believes that such person is in need of attention pursuant to ORS 426.215 or ORS 426.460, or (3) When such officer reasonably believes that such person is the subject of service of a valid court order.

(g) "To leave the area of an arrest, custody, stop, offense investigation or emergency" means to physically move to a location not less than 20 feet away extending in a radius from where a police officer is engaged in effecting an arrest, taking a person into custody, stopping a person, investigating an offense or responding to or attempting to resolve an emergency situation; the radius may be extended beyond 20 feet when a police officer reasonably believes that such extension is necessary because there exists a risk of physical injury to any person. (Amended by Ord. 180, 1985; amended by Ord. 206, 1987; amended by Ord. 232, 1990; amended by Ord. 232-A, 1993; amended by Ord. 269, 1995)

Chapter 9.04

ALCOHOL¹

Sections:

9.04.010	Definitions.
9.04.020	Providing liquor to certain persons prohibited.
9.04.030	Persons not allowed to drink alcoholic liquor on licensed premises.
9.04.040	Purchase or possession of liquor by minor.
9.04.050	Lawful consumption of liquor by minor.
9.04.060	Loitering on licensed premises by minors.
9.04.070	Minors not permitted to drink or loiter on licensed premises.
9.04.080	Permitting minors on licensed premises.
9.04.090	Delivering or selling liquor by minor.
9.04.100	Consumption of alcoholic liquors in public places.
9.04.110	Intoxicated Persons on Licensed Premises
9.04.120	Bringing alcoholic liquor upon licensed premises.
9.04.130	Disposal of liquor containers.
9.04.140	Lawful hours of sale.
9.04.150	Defense of written age statement.
9.04.160	Liquor in public dance hall.
9.04.170	Nuisances.
9.04.180	Arresting officer to seize property.
9.04.190	Responsibility of licensee for employees.
9.04.200	Commission to be notified.
9.04.210	Sale or pledge of property of intoxicated persons.

9.04.010 Definitions. For purposes of this chapter, the following words and phrases shall have the following meanings:

(1) "Alcoholic liquor" means any alcoholic beverage containing more than one-half ($\frac{1}{2}$) of one (1) percent alcohol by volume, and every liquid or solid, patented or not, containing alcohol and capable of being consumed by a human being.

(2) "Commission" means the Oregon Liquor Control Commission.

(3) "Distilled spirits" or "distilled liquor" means any alcoholic beverage containing more than fourteen (14) percent of alcohol by volume, including sweet wines and all spirituous liquor.

(4) "Licensee" means a person who has an alcoholic liquor license from the commission authorizing such person to sell or dispense alcoholic liquor.

¹ For statutory provisions on alcoholic liquor, see ORS 471.005 et seq.

(5) "Licensed premises" means the room or enclosure at the address within the corporate limits of the city for which a license has been issued by the commission for the serving, mixing, handling, or selling of alcoholic liquor.

(6) "Liquor control act" means the state law so designated by ORS 471.027 as now or hereafter amended and supplemented, and including the Oregon Distilled Liquor Control Act as defined by ORS 472.020, as now or hereafter amended and supplemented.

(7) "Minor" means any person under the age of twenty-one (21) years.

(8) "Other responsible relative" means:

(a) An adult who is the spouse of a minor;

(b) An adult, related to a minor, who has taken over the parental duties of governing the minor's actions;

(c) A duly appointed, qualified and acting guardian who has taken over the parental duties of governing a minor's actions;

(9) "Sell" means to solicit or receive an order; to keep or expose for sale; to deliver for value or in any way other than purely gratuitously; to peddle; to keep with intent to sell; to traffic in; or for any consideration, promised or obtained, directly or indirectly, or under any pretext or by any means, to procure or allow to be procured for any other person. (Added during 1979 codification.)

9.04.020 Providing liquor to certain persons prohibited. No person shall sell, give, furnish, serve or otherwise make available any alcoholic liquor to:

(1) Any minor except as provided in Section 9.04.050;

(2) Any person visibly intoxicated. (Added during 1979 codification.)

9.04.30 Persons not allowed to drink alcoholic liquor on licensed premises. No person shall allow or permit any person who is visibly intoxicated to drink or consume any alcoholic liquor upon any licensed premises. (Added during 1979 codification.)

9.04.040 Purchase or possession of liquor by minor.

(1) Except as provided in Section 9.04.050, no minor shall attempt to purchase, purchase or acquire, or have in his possession any alcoholic liquor.

(2) For the purposes of this section, possession of alcoholic liquor includes the acceptance or consumption of a bottle of such liquor or any portion thereof, or a drink of such 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. (Added during 1979 codification.)

9.04.050 Lawful consumption of liquor by minor. Nothing contained in this chapter shall be construed as prohibiting a parent or other responsible relative of a minor from giving such minor alcoholic liquor and permitting him to consume the same within the home of such parent or other responsible relative of the minor, or at such other private place not in view of the public where the parent or other responsible relative is present. (Added during 1979 codification.)

9.04.060 Loitering on licensed premises by minors. Except as provided in Section 9.04.080, no minor, whether or not he is accompanied by a parent or other responsible relative, shall enter, loiter or remain on any licensed premises, or any portion thereof, which has been posted by the commission to prohibit the use thereof by minors. (Added during 1979 codification.)

9.04.070 Minors not permitted to drink or loiter on licensed premises.

- (1) No licensee or his employee or agent shall permit any minor to:
 - (a) Consume any alcoholic liquor upon any licensed premises, whether or not such alcoholic liquor is given to the minor by a parent or other responsible relative;
 - (b) Loiter on such licensed premises which have been posted by the commission to prohibit the use thereof by minors, except as provided in Section 9.04.080;
 - (c) Remain upon such premises or any portion thereof, except as provided in Section 9.04.080.
- (2) The fact that a parent or other responsible relative has accompanied a minor upon any licensed premises shall not constitute a defense to any charge brought for violation of this section, except as provided in Section 9.04.080. (Added during 1979 codification.)

9.04.080 Permitting minors on licensed premises.

- (1) The provisions of Sections 9.04.060 and 9.04.070 shall not be construed to prohibit:
 - (a) Any minor from entering any licensed premises, or portion thereof, for the transaction of any business pursuant to his duties in the regular course of his lawful employment;
 - (b) A minor spouse from entering and remaining on licensed premises, or any portion thereof, when he is in the immediate company of his spouse who is twenty-one (21) years of age or older.
- (2) This section shall not be construed to authorize a minor spouse to consume alcoholic liquor on any licensed premises. (Added during 1979 codification.)

9.04.090 Delivering or selling liquor by minor.

- (1) Except as provided in subsection C of this section, no minor, either for himself or as

agent or employee of another, shall sell, offer for sale or deliver any alcoholic liquor.

(2) Except as provided in subsection C of this section, no person shall employ, hire, or engage any minor to sell, offer for sale or deliver any alcoholic liquor.

(3) Any employee eighteen (18) years of age or older, of a person who holds any package store license from the commission may sell any alcoholic liquor authorized by such license on the licensed premises. (Added during 1979 codification.)

9.04.100 Consumption of alcoholic liquors in public places. No person shall drink or consume any alcoholic liquor in or upon any street, alley, public grounds or other public place unless such place has been licensed for that purpose by the commission. (Added during 1979 codification.)

9.04.110 Intoxicated persons on licensed premises. No licensee or his employee or agent shall permit a visibly intoxicated person to enter or remain upon the licensed premises which the licensee controls. (Added during 1979 codification.)

9.04.120 Bringing alcoholic liquor upon licensed premises. No licensee of the commission, nor any agent or employee of such a licensee, shall keep or knowingly permit to be kept, brought or consumed upon the licensed premises any alcoholic liquor not allowed to be sold or served upon said premises. (Added during 1979 codification.)

9.04.130 Disposal of liquor containers. No licensee or his employee or agent shall permit any empty or discarded containers of alcoholic liquor to be in the public view on the exterior of his licensed premises or in parking areas maintained in connection with such premises. (Added during 1979 codification.)

9.04.140 Lawful hours of sale.

(1) No package store licensee shall sell, dispense, deliver, or permit the removal of any alcoholic liquor from the licensed premises between the hours of 1:00 a.m. and 7:00 a.m.

(2) No retail malt beverage restaurant or dispenser licensee shall sell, dispense, deliver or allow the consumption of any alcoholic liquor or any licensed premises or permit the removal of any alcoholic liquor from any licensed premises between the hours of two-thirty (2:30) a.m. and seven (7) a.m. (Added during 1979 codification.)

9.04.150 Defense of written age statement. If a licensee or his employee or his agent is prosecuted in the municipal court for selling alcoholic liquor to a minor, or permitting a minor to consume alcoholic liquor or to enter or loiter upon the licensed premises, the licensee or his employee or agent may offer in his defense any written statement made by or for such minor prior to the violation, which statement was made and taken pursuant to the laws of Oregon and the rules and regulations of the commission; and such statement shall constitute a prima facie defense. (Added during 1979 codification.)

9.04.160 Liquor in public dance hall. No person shall possess, keep, sell, give away or otherwise dispose of or consume alcoholic liquor in any public dance hall, or in any room or building used for public dancing, that is not licensed under the liquor control act. (Added during 1979 codification.)

9.04.170 Nuisances. Any room, house, building, boat, structure or place or any kind where alcoholic liquor is sold, manufactured, bartered or given away in violation of the law, or where persons are permitted to resort for the purpose of drinking alcoholic liquors in violation of the law; or any place where alcoholic liquors are kept for sale, barter or gift in violation of the law; and all alcoholic liquor, whether purchased from or through the commission or purchased or acquired from any source; and all property, including bars, glasses, mixers, lockers, chairs, tables, cash registers, music devices, and all furniture, furnishings and equipment; and all facilities for the mixing, storing, serving or drinking of alcoholic liquor kept and used in such place, are declared to be a common nuisance; and any person who maintains or assists in maintaining such common nuisance is guilty of a violation of Sections 9.04.020 to 9.04.210. (Added during 1979 codification.)

9.04.180 Arresting officer to seize property. When an officer arrests any person for violation of Sections 9.04.020 to 9.04.210, the officer shall take into his possession all alcoholic liquor and other property included under Section 9.04.170 which the person arrested has in his possession or on his premises, which apparently is being used or kept in violation of Sections 9.04.020 to 9.04.210 if the person arrested is convicted and the court finds that the alcoholic liquor and other property have been used in violation of Sections 9.04.020 to 9.04.210 such forfeiture proceedings as are authorized by ORS 471.605 and 471.610 may be instituted. (Added during 1979 codification.)

9.04.190 Responsibility of licensee for employees. Each licensee is responsible and liable to prosecution for any violation of any provision of Sections 9.04.020 to 9.04.210 pertaining to his licensed premises and for any act or omission of any servant, agent, or employee of such licensee in violation of any provision of Sections 9.04.020 to 9.04.210. (Added during 1979 codification.)

9.04.200 Commission to be notified. When a conviction is obtained against any licensee of the commission, or a conviction is obtained against any person where the violation was committed on a licensed premises, the municipal court shall notify the commission of such conviction. (Added during 1979 codification.)

9.04.210 Sale or pledge of property of intoxicated persons. No pawnbroker, junk dealer, chattel loan broker or other person shall purchase property from a person who is in an intoxicated condition or under the influence of a narcotic or dangerous drug, or advance or loan money to such person or have dealings with such person respecting the title to property. (Added during 1979 codification.)

Chapter 9.08

CURFEW FOR MINORS

Sections:

- 9.08.010 Compliance required.
- 9.08.020 Responsibility of parent or guardian for minor's compliance.
- 9.08.030 Enforcement procedure.
- 9.08.040 Misrepresentation of age prohibited.
- 9.08.050 Violation -- Penalty.

9.08.010 Compliance required. It is unlawful for any child under the age of eighteen (18) years to be on any street, alley, or public grounds in the city after the hour of ten (10) p.m. until six (6) a.m. the following morning, unless such child is accompanied by parent or legal guardian, or unless such child is engaged in such employment that makes it necessary that he or she be on the streets, alleys, or public grounds of the city after the hour specified. (Ord. 16 §1, 1947.)

9.08.020 Responsibility of parent or guardian for minor's compliance. The parents or legal guardian of such child such be legally responsible for the compliance of such child with the provisions of this chapter. (Ord. 16 §2, 1947.)

9.08.030 Enforcement procedure. It shall be the duty of any peace officer of this city to arrest any child violating the provisions of this chapter and to use all diligence to find the child's parents or legal guardian and for the first violation thereof to take or send such child home and notify or cause to be notified the child's parents or legal guardian of such violation; upon a second or subsequent violation, the child shall be sent or taken home by the officer and the child's parents or legal guardian served with a subpoena to appear in court with the child so arrested and show cause why this chapter has been again violated; if such person does not appear in response to the subpoena or fails to give sufficient excuse for such violation, a complaint shall be filed against him or her charging a violation of this chapter. (Ord. 16 §3, 1947.)

9.08.040 Misrepresentation of age prohibited. It is unlawful for any person to make any misrepresentation as to the age of any person for the purpose of violating or evading any of the provisions of this chapter. (Ord. 16 §4, 1947.)

9.08.050 Violation -- Penalty. Any person violating any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine of not more than fifty dollars (\$50). (Ord. 16 §5, 1947.)

Chapter 9.16

FALSE FIRE ALARMS

Sections:

- 9.16.010 Prohibited.
- 9.16.020 Violation -- Penalty.

9.16.010 Prohibited. It is unlawful for any person in the city to give, or cause to be given, a false fire alarm. (Ord. 28 §1, 1944.)

9.16.020 Violation -- Penalty. Any person violating this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding one hundred dollars (\$100) or by imprisonment in jail for a period not exceeding thirty (30) days, or by both such fine and imprisonment. (Ord. 28 §2, 1944.)

Chapter 9.20

FIREWORKS²

Sections:

- 9.20.010 Discharge, firing or use prohibited -- Exception.
- 9.20.020 Sale at retail prohibited -- Removal from stock authorized.
- 9.20.030 Violation -- Penalty.

9.20.010 Discharge, firing or use prohibited -- Exception. The discharge, firing, or use of firecrackers, rockets, torpedoes, roman candles, or other fireworks or substances designed and intended for pyrotechnic display, and of pistols, canes, cannons or other appliances using blank cartridges or caps containing chlorate of potash mixture is prohibited; provided, that the council may permit the public display of fireworks by properly qualified individuals; provided also, that such display or displays shall be of such a character and so located, discharged, or fired as, in the opinion of the chief of the fire department, shall not be hazardous to surrounding property or endanger any person or persons. (Ord. 15 §1, 1947.)

9.20.020 Sale at retail prohibited -- Removal from stock authorized. The sale of fireworks at retail is prohibited. The chief of police may at his discretion remove or have removed, at the owner's expense, all stocks of fireworks or other combustibles exposed for sale or held in stock in violation of this chapter. (Ord. 15 §2, 1947.)

9.20.030 Violation -- Penalty. Any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and be fined not less than five dollars (\$5) nor more than twenty-five dollars (\$25) for each day's neglect of compliance. (Ord. 15 §3, 1947.)

² For statutory provisions on the Oregon fireworks law, see ORS 480.110 et seq.