

ORDINANCE NO. 100**AN ORDINANCE PRESCRIBING GENERAL OFFENSES; PROVIDING A PENALTY; AND REPEALING ORDINANCE NO. 2622, AS AMENDED BY ORDINANCE NO. 203**

The City of Coos Bay ordains as follows:

Section 1. Oregon Criminal Code Adopted.

- (1) Oregon Revised Statutes Chapters 161, 162, 163, 164, 165, 166, and 167, except for any provision classified as a felony under the state law, are adopted by reference. Violation of an adopted provision of those chapters is an offense against this city.
- (2) The provisions of Oregon Revised Statutes, 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 ordinance.
- (3) Except where the context clearly indicates a different meaning, the definitions appearing in the general definitional and other particular sections of the chapters adopted by subsection (1) above are applicable throughout this ordinance.

Section 2. Unreasonable Noise. No person shall create, or assist in creating, or permit the continuance of unreasonable noise which annoys, disturbs, injures or endangers the comfort, repose, health, safety or peace of others. The following acts are declared to be unreasonable noises in violation of this section, but the enumeration shall not be construed to be exclusive:

- (1) The keeping of any bird or animal which by causing frequent or continued noise disturbs the comfort and repose of any person in the vicinity.
- (2) The attaching of any bell to any animal or allowing a bell to remain on any animal which is disturbing to any person in the vicinity.
- (3) The use of any vehicle or engine, either stationary or moving, so operated as to create any loud or unnecessary grating, grinding, rattling or other noise.
- (4) The sounding of any horn or signaling device on any vehicle on any street, public or private place, except as a necessary warning of danger.
- (5) The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work, or as a warning of danger, or upon request of proper city authorities.
- (6) The use of any mechanical device operated by compressed air, steam or otherwise, unless the noise created is effectively muffled.
- (7) The erection, including excavation, demolition, alteration, or repair of any building in residential districts, other than between the hours of 7:00 a.m. and 6:00 p.m. except in case of urgent necessity in the interest of the public welfare and safety, and then only with a permit

issued by the city.

(8) The use of any gong or siren upon any vehicle, other than police, fire, or other emergency vehicle.

(9) The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court of justice while the same are in use, or adjacent to any hospital or institution for the care of the sick or infirm, which unreasonably interferes with the operation of the institution, or which disturbs or unduly annoys patients.

(10) The discharge in the open air of the exhaust of any steam engine, internal combustion engine, motor boat or motor vehicle ' except through a muffler or other device which will effectively prevent loud or explosive noises and the emission of annoying smoke.

(11) The use or operation of any device designed for sound production, amplification or reproduction, including but not limited to a radio, musical instrument, phonograph, television set, tape recorder, loud speaker or similar device, so loudly as to disturb persons within the vicinity. However, upon application to the Council, permits may be granted to responsible persons or organizations for the broadcast or amplification of programs of music, news, speeches, or general entertainment as part of a national, state or city event, public festivals or outstanding events of a noncommercial nature, when the broadcast or amplification will not be audible for a distance of more than 1000 feet from the instrument, speaker or amplifier. No permit shall be granted where any obstruction of vehicular or pedestrian traffic will result.

(12) The making of any noise by crying, calling or shouting, or by means of any whistle, rattle, bell, gong, clapper, horn, hammer, drum, musical instrument or other device for the purpose of advertising goods, wares or merchandise or by attracting attention or of inviting patronage of any person to any business, However, newspapers and magazines may be sold by public outcry.

(13) The conducting, operating or maintaining of any garage within 100 feet of any private residence, apartment,, rooming house or hotel in a manner as to cause loud or offensive noises to be emitted between the hours of 11 p.m. and 7 a.m.

(14) The operation of exhaust brakes commonly known as Jacob Brakes.

Section 3. Discharge of Weapons.

(1) Except at firing ranges approved by the Chief of Police and the Council, no person other than an authorized peace officer or animal control officer shall fire or discharge a gun or other weapon, including a spring or air actuated pellet gun, air gun or BB gun, bow and arrow, or any weapon which propels a projectile by use of gunpowder or other explosive, jet or rocket propulsion.

(2) The provisions of this section shall not apply to:

(a) The discharging of shotguns for the purpose of waterfowl hunting by licensed hunters during waterfowl hunting season in the area of the city bounded on the west by Isthmus Slough Channel, bounded on the south by what would be the natural extension of "A" Street, bounded on the east by the dike, and bounded on the north by the city

limits.

- (b) The discharging of a weapon by any person in the lawful defense or protection of his or her person, family or property.

Section 4. Police and Fire Communications.

- (1) 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.
- (2) No person shall program an automatic dialing device to select a city police department telephone line. An "automatic dialing device" is a device which is connected to a telephone line and is programmed to select a predetermined telephone number and transmit by voice message or code signal an emergency message indicating a need for emergency response.

Section 5. Lodging. No person shall:

- (1) Lodge in a car, outbuilding, or other place not intended for that purpose without permission of the owner or person entitled to its possession.
- (2) Write or cause to be written in the register of any hotel, lodging house, motel, rooming house or other place offering accommodations, any other or different name than the true name of such person or the name by which such person is generally known.
- (3) Refuse to permit any law enforcement officer to review the current guest records or the guest records for any period of time within the past three years of any place offering overnight public accommodations for the purpose of determining as part of a criminal investigation whether a particular person or persons had been registered in the place of accommodation.

Section 6. Obstructing Passageways. No person shall:

- (1) Keep or leave open any cellar door or grating of any kind located in or upon any sidewalk except when the same is necessarily open during the immediate use thereof, and when being used the opening shall be properly guarded and protected.
- (2) Lead, ride, tie, or fasten any animal other than those commonly known as household pets in such a manner as to permit it to remain on or go along any parking strip, sidewalk area or public pathway.

Section 7. Inhaling Toxic Vapors.

- (1) No person shall deliberately smell or inhale any drug, or any other noxious substance, vapor or chemical containing any ketones, aldehydes, organic acetates, ether, chlorinated hydrocarbons, or other substance containing solvents releasing vapors, in such excessive quantities as to cause conditions of intoxication, inebriation, excitement, stupefaction, hallucination or dulling of the brain or nervous system. This applies with particularity, but is not limited to model airplane glue, finger nail polish or any other substance or chemical which has the above described effect on the brain or nervous system.

(2) Any person found within the city visibly in a condition of intoxication, inebriation, excitement, stupefaction or hallucination shall, if the condition was caused by the inhaling of the substances described above, be presumed to have inhaled the substance within the city.

(3) The deliberate inhaling of a substance as described in subsection (1), if it produces a visible manifestation of a condition of the nature described shall be prima facie evidence that the person so inhaling did so with the intent of producing such a state or condition.

(4) This section does not apply to the use of inhalants, or the condition produced thereby, where the use is made or conditions induced by or under the express direction or written prescription of a licensed physician for medical purposes.

Section 8. Public Indecency. No person shall, while in or in view of a public place, perform an act of urination or defecation, except in toilets provided for the purpose.

Section 9. Interfering with a Police Officer. No person, intentionally, or with reckless disregard, shall interfere with a peace officer in the officer's lawful performance of his or her duties. "To interfere with, " as used in this section, means any physical act, including a refusal to leave a particular area in response to a lawful order from a peace officer, that prevents or could reasonably be expected to prevent a peace officer from performing his or her duties.

Section 10. Deliveries to Prisoners. No person shall knowingly deliver any intoxicating liquor, dangerous or narcotic drugs, controlled substance, or contraband, as defined by state law, to a person in custody or confined in a city detention facility.

Section 11. Drinking in Public Places. No person shall drink or consume any alcoholic liquor in or upon any street, alley, or other public place unless the place has been licensed for that purpose by the Oregon Liquor Control Commission.

Section 12. Fireworks Prohibited.

(1) No person shall use or possess fireworks in, around, or upon any city park, city building, city parking lot or other city facility, specifically including the downtown boardwalk and the Empire boat ramp and fishing dock, except pursuant to an authorized permit for public display or otherwise approved for public purposes.

(2) Fireworks means any combustible or explosive composition or substance including, but not limited to: firecrackers, torpedoes, skyrockets, roman candles, bombs, rockets, wheel colored fires, fountains, mines, serpents, flitter sparklers, ground spinners, illuminating torches, wheels, snakes or similar smoke-producing materials, and combination items.

[Section 12 added by Ordinance No. 203, Section 1, passed November 16, 1993.]

[Sections 13 to 20 reserved for expansion]

Section 21. Offenses Outside City Limits. Where permitted by Oregon law, an act made unlawful by this ordinance shall constitute an offense when committed on any property owned or leased by the city, even though outside the corporate limits of the city.

Section 22. 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.

Section 23. Attempt to Commit Offenses. A person who attempts to commit any of the offenses mentioned in this ordinance or any ordinance of the city, but who for any reason is prevented from consummating such act, shall be deemed guilty of an offense.

Section 24. Penalty. A violation of any provisions of this ordinance is punishable by a fine not to exceed \$500. However, if there is a violation of any provision identical to a state statute with a lesser penalty, punishment shall be limited to the lesser penalty prescribed in the state law. Each day a violation continues constitutes a separate offense.

Section 25. Nuisance Abatement. No provision in this ordinance precludes the abatement of a nuisance as provided in other city ordinances.

Section 26. Severability. The sections and subsections of this ordinance are severable. The invalidity of any one section or subsection shall not affect the validity of the remaining sections or subsections.

Section 27. Repeal. Ordinance No 2622, enacted January 20, 1977, as amended by Ordinance No. 2627, enacted February 10, 1975, Ordinance No. 2628, enacted February 24, 1975, Ordinance No. 2675, enacted April 26, 1976, Ordinance No. 2881, enacted July 12, 1982, Ordinance No. 2883, enacted September 13, 1982, and Ordinance No. 18, enacted March 12, 1984, is repealed.

Section 28. Saving Clause. Notwithstanding section 27, Ordinance No. 2622, as amended, shall remain in force to authorize the arrest, prosecution, conviction and punishment of a person who violated a provision of that ordinance prior to the effective date of this ordinance.

Passed by the Council and approved by the Mayor July 13, 1987.