

Garibaldi Ordinances

ORDINANCE NO. 155

AN ORDINANCE DEFINING OFFENSES AGAINST THE PUBLIC PEACE, SAFETY, MORALS AND GENERAL WELFARE, PROVIDING FOR VIOLATION AND REPEALING ORDINANCES NO. 5, 43, 58 and 61a.

The City of Garibaldi does ordain as follows:

Section 1. Definitions. As used in this ordinance, the following definitions apply:

"Firearm" means and includes a weapon, by whatever name known, which is designed to expel a projectile by the action of black powder or smokeless powder and which is readily capable of use as a weapon.

"Knowingly" or "knows" means that a person acts with an awareness that the conduct of the person is of a nature so described or that a circumstance so described exists.

"Minor" means and includes any person under 18 years of age.

"Person" means and includes any natural person, partnership, association, firm or corporation, and any of its agents or employees.

Section 2. Violations. The doing of any act or thing prohibited by this ordinance or the failing to do any act or thing required to be done by this ordinance within the corporate limits of the City of Garibaldi is hereby declared to be a violation against the public peace, safety, morals and general welfare of the people of the City of Garibaldi.

WEAPONS AND CONTROLLED SUBSTANCES

Section 3. Discharging of Firearms. No person shall discharge any type of firearm; provided, however, that nothing herein contained shall apply to any peace officer while acting in performance of his duties or to any person lawfully using a firearm in defense of his property or person.

Section 4. Use of Air Guns, Etc. No person shall discharge an air gun or use any beanshooter, slingshot, other similar weapon or any exploding device.

Section 5. Possession of Controlled Substances. No person shall intentionally or knowingly possess a controlled substance in violation of ORS 475.992 (4).

ILLEGAL ENTERPRISES

Section 6. Prohibited Animal Facilities. No person shall operate or maintain a pigsty, slaughterhouse or tannery.

Section 7. Permitting Use of Property for Illegal Purpose. No person who is the owner, manager, tenant, occupant or person in control of any building or structure shall knowingly suffer or permit such building or structure to be used by another person for a purpose which is a violation of an ordinance of the City

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of Garibaldi or which is a violation of a state or federal law. It shall be the duty of such person who knows that such building or structure is being used illegally to oust such other person immediately.

Section 8. Loaning Money or Buying Property from Drunks. No person who is engaged in any business shall advance or loan money to another person who is visibly intoxicated or under the influence of any alcohol, narcotic drug or controlled substance; to have any dealings with such other person respecting the title to property; or to purchase property or article of value from such other person.

MINORS

Section 9. Purchase of Property from Minors. No person shall purchase any property or article of value from a minor or have any other dealings respecting the title to property of a minor without the written consent of the parent or guardian of such minor.

Section 10. Permitting Minor to Violate Curfew. No person who is the parent, guardian or person having charge of a minor shall suffer or permit such minor to be in or upon any street, highway, park, alley or public place during curfew hours established by ORS 419.710 while not accompanied by a responsible adult who was authorized to have charge of such minor.

Section 11. Permitting Minor in Certain Places. No person operating or assisting in the operation of any cardroom, pool hall, billiard hall or place where intoxicating liquor is served shall permit any minor to enter, visit or loiter about any such premises.

Section 12. Employment of Minors in Certain Places. No person shall employ a minor in or about any cardroom, pool hall, billiard hall, shooting gallery, dance hall, place where intoxicating liquor is served or any other business prohibited by ORS 653.305 to 653.370.

Section 13. Delivery of Medicine or Drugs to Minors. No person shall distribute or give away any medicine, drug or controlled substance to a minor unless manually delivered to an adult person or mailed to an adult person through the United States mails.

Section 14. Consumption of Tobacco by Minors. No person who is a minor shall use or consume any form of tobacco.

ANIMALS

Section 15. 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 animal.

Section 16. Injuring Animal with Vehicle. Any person who runs over, strikes, injures, maims or kills any domestic animal while operating a motor vehicle shall stop immediately and render aid to such animal, if injured, or provide for the disposition of the carcass, if killed. In either case, such person shall make a due and diligent inquiry to determine the owner of such animal and, if the owner can be found, shall notify the owner of the occurrence.

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Section 17. Injuring Birds with Firearm. No person shall discharge any firearm, air gun or other similar device or to throw any object at any nongame bird with the intent to injure or kill such bird.

PUBLIC CONDUCT

Section 18. Begging. No person shall beg or solicit alms or other gratuities in or upon any building, sidewalk, street, parking area or public place; provided, however, that this section shall not apply to the solicitation of gratuities by recognized charitable or eleemosynary associations or institutions.

Section 19. Spitting on Sidewalks. No person shall spit or expectorate in or upon any building, sidewalk, street, parking area or public place, except in receptacles provided for that purpose; and no person shall defile in any manner whatsoever any drinking fountain used by the public.

Section 20. Driving on Sidewalk. No person shall ride or drive any horse, other animal, skateboard, scooter, bicycle or any motor vehicle (except a vehicle specifically designed for and used by a handicapped person) upon, over or across any sidewalk except where a proper inclined crossing is provided for that purpose.

Section 21. Obstructing Streets or Sidewalks. No person shall place or deposit upon any street or sidewalk any article which impedes, blocks or obstructs the normal and reasonable movement of traffic by vehicles or pedestrians.

Section 22. Leaving Cellar Doors Open. No person shall keep or leave open any cellar door or grating of any kind in or upon any sidewalk, except when necessarily open for immediate use and while properly guarded and protected.

Section 23. Injury to Fire Apparatus. No person shall lead, ride or drive any horse, other animal or any motor vehicle over or upon any fire hose; and no person shall disturb or injure in any manner any hose, engine, appliance or apparatus belonging to or used by the fire department.

Section 24. Taking or Retaining City Property. No person shall use, take or remove any paper, document or personal property owned by the City without obtaining prior permission from the legal custodian thereof; and no person shall keep or retain any such paper, document or personal property after request for the return thereof has been made by the legal custodian.

Section 25. Unauthorized Placement of Posters. No person shall affix a placard, bill or poster upon any personal or real property, private or public, without obtaining prior permission from the owner or proper public authority.

PROPERTY

Section 26. Drainage of Surface Water. No person who is the owner, manager, tenant, occupant or person having the control or custody of any building or structure shall suffer or permit rainwater, ice or snow to fall from any such building or structure upon any street or sidewalk or to flow across any such sidewalk; and every such person shall at all times keep and maintain in a proper state of repair adequate drainpipes or a drainage system sufficient to carry to the street any overflow water accumulating on the roof or about such

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building or structure.

Section 27. Removal of Ice and Snow. Any person who is the owner, manager, tenant, occupant or person having the control or custody of any premises or property shall remove all snow or ice which has fallen or which has accumulated upon the sidewalks abutting upon such premises or property within two hours after such snow or ice has ceased to fall or accumulate thereon; provided, however, that if such snow is falling or such ice is accumulating after the hour of 6:00 P.M. the same shall be removed within two hours after it shall cease to fall or accumulate or within two hours after 7:00 A.M. on the next succeeding day, as the case may be.

Section 28. Attractive Nuisances. No person who is the owner, manager, tenant, occupant or person having control or custody of any premises shall suffer or permit to remain unguarded upon such premises any machinery, equipment or other device having the characteristics of an attractive nuisance or which is liable to attract children; and no person who is the owner, manager, tenant, occupant or person having control or custody of any premises shall suffer or permit to remain unguarded upon such premises any pet, quarry, cistern, well, excavation or any devices which cannot be opened from the inside.

Section 29. Excessive Noises. No person shall create, assist in creating, permit, continue or permit the continuance of any loud, disturbing or unnecessary noise. The following acts are declared to be violations of this section, but such enumerations shall not be deemed to be exclusive:

a) The keeping of any animal which by frequent or loud continued noise disturbs the comfort and repose of any person in the vicinity.

b) The use of any motor vehicle, engine, instrument, device or thing, whether stationary or moving, so out of repair, loaded or operated as to create loud or unnecessary grating, grinding, rattling or other noises.

c) The sounding of any horn or signal device on any motor vehicle on any street or public place, except as a necessary warning of danger to property or person.

d) The use of any mechanical device operated by compressed air, steam or otherwise, unless the noise created thereby is effectively muffled.

e) The construction, including excavation, demolition, alteration or repair, of any building other than between the hours of 7:00 A.M. and 6:00 P.M., except upon special permit granted by the City.

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

g) The operation of any engine which is not equipped with and using thereupon a muffler.

h) The use of a "muffler cutout" on any motor vehicle upon any street.

i) The use or operation of any automatic or electric piano, phonograph, radio, loudspeaker or any sound-amplifying device so loudly as to disturb persons in the vicinity thereof or in such a manner as renders the same a public nuisance; provided, however, that upon application to the Common Council permits may be granted to responsible persons or organizations to broadcast programs of music, news, speeches or general entertainment.

j) The conducting, operating or maintaining of any garage within 100 feet of any building used as a private residence, apartment house, rooming house or hotel in such a manner as to cause loud or offensive noises to be emitted therefrom between the hours of 11:00 P.M. and 7:00 A.M.

The foregoing acts are declared nuisances and any person who violates a provision of this section shall be guilty of a violation.

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MISCELLANEOUS

Section 30. Violation of Ordinance No. 124. Any person who owns or keeps a dog in violation of Ordinance No. 124 also is in violation of this ordinance and such person may be required to pay a fine or may be made a party to proceedings to abate and/or restrain a continuing or further violation of such ordinance.

Section 31. Violation of Other Ordinances. Any person who violates any other ordinance of the City also is in violation of this ordinance and may be required to pay the fine provided hereby for each day that such violation occurred or continues; provided, however, that a fine may be imposed only under this ordinance or under such other ordinance, and not under both.

Section 32. Attempt to Commit Offenses. Any person who attempts to commit any of the violations mentioned in this ordinance, but who for any reason is prevented from consummating such act, shall be deemed guilty of such violation.

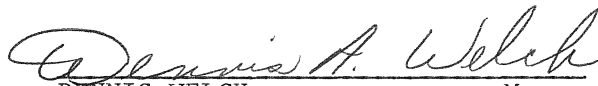
Section 33. Penalties. Any person who violates a provision of this ordinance shall be guilty of a violation for which a fine of \$250.00 may be imposed. Each day on which such violation occurs or continues shall constitute a separate offense.

Section 34. Abatement of Violation. In addition to the imposition of a fine as set forth above, the City may commence proceedings to abate and/or restrain a continuing or further violation of this ordinance.

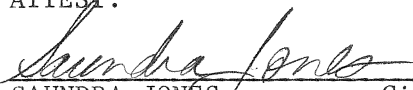
Section 35. Saving Clause. If any section, sentence, clause, phrase or other part of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining part hereof.

Section 36. Repealed Ordinances. Ordinances No. 5, 43, 58 and 61a are hereby repealed and any other ordinance or resolution which is inconsistent with this ordinance is hereby repealed to the extent of such inconsistency.

PASSED AND ADOPTED by the City Council and APPROVED by the Mayor on this 16th day of November, 1987.


DENNIS WELCH Mayor

ATTEST:


SAUNDRA JONES City Recorder