

## **Title 9**

### **PUBLIC PEACE AND WELFARE**

Chapters:

#### **9.04 Criminal Code**

#### **Chapter 9.04**

#### **CRIMINAL CODE**

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#### **9.04.010 Short title.**

This chapter may be cited as city of Toledo offenses ordinance.  
(Ord. 1073 § 1, 1979)

#### **9.04.020 Definitions.**

The definitions contained in ORS Chapters 131 through 170, inclusive, as constituted in the 1983 Replacement Part, are adopted by reference and made a part of this chapter. Except where the context clearly indicates a different meaning, the general definitions and the definitions appearing in the definitional and other sections of the above chapters of Oregon Revised Statutes shall be applicable throughout this chapter.  
(Ord. 1170 § 2, 1985; Ord. 1073 § 3, 1979)

#### **9.04.030 Application of state statutes.**

Provisions of ORS Chapters 131 through 170, inclusive, as constituted in the 1983 Replacement Part, relating to defenses and burden of proof, general principles of criminal liability, parties and general principles of justification shall apply to all offenses defined and made punishable by this chapter.

(Ord. 1170 § 3, 1985; Ord. 1073 § 4, 1979)

#### **9.04.040 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.

(Ord. 1073 § 5, 1979)

#### **9.04.050 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 chapter or any other ordinance of the city.

(Ord. 1073 § 6, 1979)

#### **9.04.060 Attempt to commit offenses.**

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

(Ord. 1073 § 7, 1979)

#### **9.04.070 Separate violations.**

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

(Ord. 1073 § 8, 1979)

#### **9.04.080 Nuisance abatement.**

No provisions in this chapter shall preclude the abatement of a nuisance as provided in the general nuisance ordinance of the city, Chapter 8.04.

(Ord. 1073 § 9, 1979)

#### **9.04.090 Drinking in public places.**

No persons shall drink or consume alcoholic liquor in or upon a street, alley, mall, parking lot or structure, motor vehicle, public grounds or other public place unless such place has been licensed for that purpose by the Oregon Liquor Control Commission; provided, however, consumption of alcoholic liquor in a public park shall be permitted where a permit therefor has been received from the city manager.

(Ord. 1073 § 13, 1979)

#### **9.04.100 Unnecessary noise.**

No person shall create or assist in creating, or permit the continuance of unreasonable noise in the city; 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 seven a.m. and six p.m., except upon special permit granted by the city.
- 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 thereof, or in such manner as renders the same a public nuisance; 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. 1073 § 13, 1979)

#### **9.04.110 Discharge of weapons.**

Except at firing ranges approved by the council, no person other than a peace officer shall shoot an arrow by means of a bow or other device or fire or discharge a gun, including spring- or air-actuated pellet guns, air guns or BB guns, or other weapon which propels a projectile by use of gunpowder or other explosive, jet or rocket propulsion.

(Ord. 1073 § 25, 1979)

#### **9.04.120 Fireworks.**

The following sections of the Oregon Fireworks Law, together with all acts and amendments applicable to cities which are now or hereafter enacted by the state of Oregon, are adopted by reference and made a part of this chapter: ORS 480.110, 480.120, 480.130, 480.140(1) and 480.150.

(Ord. 1073 § 26, 1979)

#### **9.04.130 Places of amusement--Minors.**

A. No person under eighteen (18) years of age shall enter, visit or remain or about a public cardroom, poolroom or billiard parlor.

B. No person operating or assisting in the operation of a public cardroom, poolroom, billiard parlor or public place of amusement shall permit a person under eighteen (18) years of age to engage therein in any game of cards, pool, billiards, dice, darts, pinball, games of like character, or games of chance, either for amusement or otherwise.

C. This section shall not apply to the playing of billiards or pool in a recreational facility. As used in this section, a "recreational facility" means an area, enclosure or room in which facilities are offered to the public to play billiards or pool for amusement only, and:

1. Which is clean, adequately supervised, adequately lighted and ventilated;
2. In which no alcoholic liquor is sold or consumed; and
3. Access to which does not require passing through a room where alcoholic liquor is sold or consumed.

(Ord. 1073 § 31, 1979)

#### **9.04.150 Obstructing 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. 1073 § 47, 1979)

#### **9.04.160 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 city manager.

(Ord. 1073 § 53, 1979)

#### **9.04.161 Property inventory.**

A. A vehicle that has been impounded, seized as evidence in a criminal investigation, or seized for forfeiture by a law enforcement officer shall be inventoried for condition and property contents. The inventory shall include, but is not limited to, the contents of all closed containers and compartments within the vehicle. The condition and contents shall be described on a property receipt. All impounded or seized items of personal property contained in the vehicle that are not a part of the vehicle and that appear to have a value of more than one hundred dollars (\$100.00) shall be removed from the vehicle and stored in an evidence locker.

B. A person that has been taken into custody, pursuant to being cited and released for a criminal offense, shall have their personal possessions searched and inventoried as part of the arrest process. The inventory shall include, but is not limited to, the contents of all closed containers and compartments found on the person. The inventoried possessions that are to be seized as evidence of the original criminal offense, or additional offenses, shall be described on a property receipt.

C. The Toledo chief of police is delegated authority to adopt departmental policies and procedures to implement the provisions of this section.

(Ord. 1306 §§ 1--3, 2004)

#### **9.04.170 Violation--Penalty.**

Violation of this chapter will constitute a Class B infraction.  
(Ord. 1244 § 7, 1996: Ord. 1170 § 1, 1985: Ord. 1096, 1980: Ord. 1073 § 2, 1979)