

ORDINANCE NO. 753

AN ORDINANCE RELATING TO THE SCAPPOOSE CRIMINAL CODE, AMENDING CODE CHAPTER 9.08, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Scappoose (“City”) Criminal Code is contained in Scappoose Municipal Code (“Code”) Chapter 9.08; and

WHEREAS, the Code adopts certain provisions of the Oregon Revised Statutes as the City’s Criminal Code, and certain of these statutes have been amended or added since this section of the Code was last updated; and

WHEREAS, the Scappoose City Council (“Council”) desires to adopt and enforce such criminal statutes as necessary to promote the safety of the citizens of Scappoose; now therefore,

THE CITY OF SCAPPOOSE ORDAINS AS FOLLOWS:

1. Code Section 9.08.010 is hereby amended as follows:

A. The following references to Oregon Revised Statutes are deleted:

161.565. Violation Described. (Repealed in 1999 and replaced by 153.008.)

162.355. Simulating Legal Process. (A felony under Oregon law.)

163.208. Assaulting a Public Safety Officer. (A felony under Oregon law.)

163.684, Encouraging Child Sexual Abuse. (A felony under Oregon law.)

164.814, State Forester Required to Develop Forms. (Does not create an offense.)

166.115. Interfering with Public Transportation. (Repealed in 2001 and replaced by ORS 166.116.)

166.280. Seizure of concealed weapons, destruction; exception; sale by auction. (Repealed in 2001 and replaced by ORS 166.281.)

B. The following references to Oregon Revised Statutes are hereby adopted and added to Code Chapter 9.08:

153.008 Violations described. (Replaces ORS 161.565.)

161.219 Limitations on use of deadly physical force in defense of a person.

161.566 Misdemeanor treated as violation; prosecuting attorney’s election.

161.568 Misdemeanor treated as violation; court’s election.

- 162.055 Definitions for certain provisions of ORS 162.055 to 162.425.
- 162.135 Definitions for ORS 162.135 to 162.205.
- 162.175 Unauthorized departure.
- 162.193 Failure to appear; counsel for defendant cannot be witness; exception.
- 162.247 Interfering with a peace officer.
- 162.335 Compounding.
- 162.345 Defenses for hindering or compounding limited.
- 163.206 Application of 163.200 and 163.205.
- 163.345 Age as a defense in certain cases.
- 163.467 Private indecency.
- 163.577 is corrected to read, "Failing to supervise a child."
- 163.676 Exemption from prosecution under 163.684 or any city ordinance for exhibiting or possessing with intent to exhibit any obscene matter or performance, for movie theater employees.
- 163.682 Exceptions to 163.665 to 163.696.
- 163.687 Encouraging child abuse in the third degree.
- 163.700 Invasion of personal privacy.
- 163.702 Exceptions to 163.700.
- 163.705 Polygraph examination of victims in certain criminal cases prohibited.
- 163.707 Forfeiture of motor vehicle used in drive-by shooting.
- 163.709 Unlawful directing of light from a laser pointer.

(Statutes Relating to Stalking)

- 163.730 Definitions.
- 163.732 Stalking.
- 163.735 Citation; form.

- 163.738 Effect of citation.
- 163.739
- 163.741 Service of order restraining stalker.

- 163.744 Initiation of complaint.

- 163.750 Violating court's protective order.

- 163.755 Laws do not apply to conduct protected under labor laws.

(Mail-related Offenses)

- 164.160 Definitions.

- 164.162 Mail theft or receipt of stolen mail.

- 164.164 Defense in prosecution.

(Burglary and Criminal Trespass)

- 164.276 Authority of sports official to expel persons from sports event.

- 164.278 Criminal trespass at sports event.

(Arson and Related Offenses)

- 164.305 Definitions for 164.305 to 164.377.

(Criminal Mischief and Related Offenses)

- 164.367 Determining value of damage in criminal mischief.

(Miscellaneous)

- 164.887 Interference with agricultural operations.

- 165.825. Sale of drugged horse.

- 166.649. Throwing object off an overpass in the second degree.

- 166.663 Casting artificial light from vehicle while possessing certain weapons.

(Fraud)

- 165.055, subsections (3)(b) and (4)(a).

(Communications)

165.572 Interference with making a report.

(Cellular Telephones)

165.586 Forfeiture of cloning paraphernalia.

(Disorderly Conduct)

166.116 Interfering with public transportation. (Formerly ORS 166.115.)

(Possession and Use of Weapons)

166.180 Negligently wounding another (Formerly ORS 163.310).

166.262 Limitation on peace officer's authority to arrest for violating 166.250 (unlawful possession) or 166.370 (firearm in public building, court or school).

166.281 Seizure of firearms; destruction; exception; sale by auction. (Formerly ORS 166.280)

166.282 Sale of weapons by political subdivision.

166.320 Setting springgun or setgun.

166.385 Possession of hoax destructive device.

166.412 Definitions; firearms transaction record; criminal background check.

166.416 Providing false information in connection with a transfer of firearm.

166.418 Improperly transferring a firearm.

166.425 Unlawful purchase of firearm.

166.427 Register of transfers of used firearms.

166.460 Antique firearms excepted.

166.470 Limitations and conditions for sales of firearms.

166.480 Sale or gift of explosives to children.

166.638 Discharging weapon across airport operational surfaces.

(Gambling Offenses)

167.153 Proving occurrence of sporting event in prosecutions of gambling offenses.

(Offenses Involving Controlled Substances)

- 167.243 Exemption contained in drug laws as defense to drug offenses.
- 167.248 Search and seizure of conveyance in which drugs unlawfully transported or possessed.
- 167.808 Unlawful possession of inhalants.
- 475.302 Definitions for medical marijuana laws.
- 475.306 Medical use of marijuana.
- 475.316 Limitations on cardholder's immunity from criminal laws.
- 475.319 Affirmative defenses to certain criminal laws.
- 475.323 Effect of possession of registration card on search and seizure rights.
- 475.342 Limitations on protection from criminal liability.
- 475.969 Unlawful possession of phosphorus.
- 475.971 Unlawful possession of anhydrous ammonia.
- 475.973 Unlawful possession/distribution of ephedrine, pseudoephedrine, phenylpropanolamine.
- 475.975 Unlawful possession of iodine in its elemental form.
- 475.976 Unlawful possession of iodine matrix.
- 475.981 Falsifying drug test results.
- 475.982 Providing drug test falsification equipment.
- 475.986(1)(d) and (2) Application of certain controlled substances to body of another person.

(Offenses Involving Animals)

- 167.332 Prohibition against possession of domestic animal.
- 167.333 Sexual assault of animal.
- 167.334 Evaluation of person convicted of violating 167.333.

- 167.347 Forfeiture of animal.
- 167.348 Placement of forfeited animal.
- 167.379 Forfeiture of rights in fighting dogs or property.
- 167.387 Definitions.
- 167.388(1), (2)(b), (3) and (4) Interference with livestock production.
- 167.390 Commerce in fur of domestic dogs and cats.

(Alcoholic Liquors)

- 471.001 Definitions.
- 471.023 "Cider" defined.
- 471.406 Activities covered by prohibitions on sale of alcoholic beverages.
- 471.407 Offer of alcoholic beverages as inducement to make purchase.
- 471.408 Alcohol may not be given as prize; exception.
- 471.432 Examination for problem condition involving alcohol upon conviction.
- 471.440 Manufacture of mash, wort or wash; establishment of distillery.
- 471.475 Mixing, storing or serving liquor without a license.

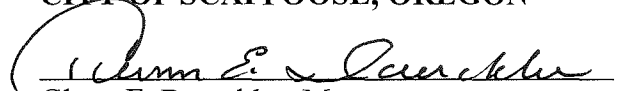
C. The following laws, adopted by the 2003 Oregon Legislature, are hereby adopted:

- (1) Amendments to ORS 162.385 (Giving False Information to a Police Officer).
- (2) Amendments to ORS 162.195 and 162.205 (Failure to Appear).
- (3) Increase in maximum fines on crimes and violations, ORS 161.635 and ORS 153.018:
 - Class A misdemeanor: From \$5,000 to \$6,250
 - Class B misdemeanor: From \$2,000 to \$2,500
 - Class C misdemeanor: From \$1,000 to \$1,250
 - Class A violation: From \$600 to \$720
 - Class B violation: From \$300 to \$360
 - Class C violation: From \$150 to \$180
 - Class D violation: From \$75 to \$90

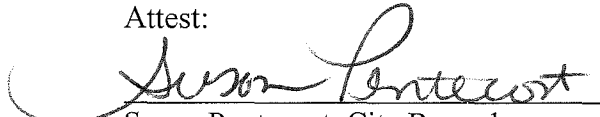
2. Because the prompt implementation of this ordinance is necessary for the police protection of the City of Scappoose, an emergency is hereby declared to exist and this Ordinance shall be effective upon its passage.

Passed and adopted by the City Council this 2nd day of August, 2004 and signed by the Mayor and City Recorder in authentication of its passage.

CITY OF SCAPPOOSE, OREGON


Glenn E. Dorschler, Mayor

Attest:


Susan Pentecost, City Recorder