

# TIGARD MUNICIPAL CODE

## Chapter 7.32 OFFENSES AGAINST PUBLIC ORDER.

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- 7.32.010 Disorderly Conduct.**

(a) A person commits the crime of "disorderly conduct" if, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he:

- (1) Engages in fighting or in violent, tumultuous or threatening behavior; or
- (2) Makes unreasonable noise; or
- (3) Disturbs any lawful assembly of persons without lawful authority; or
- (4) Obstructs vehicular or pedestrian traffic on a public way; or

(5) Congregates with other persons in a public place and refuses to comply with a lawful order of the police to disperse; or

(6) Initiates or circulates a report, knowing it to be false, concerning an alleged or impending fire, explosion, crime, catastrophe or other emergency; or

(7) Creates a hazardous or physically offensive condition by any act which he is not licensed or privileged to do.

(b) Disorderly conduct is a Class B misdemeanor. (Ord. 84-65 §2(Exhibit A (part)), 1984).

### **7.32.040 Abuse Of Venerated Objects.**

(a) A person commits the crime of "abuse of venerated objects" if he intentionally abuses a public monument or structure, a place of worship or burial, or the national or state flag.

(b) As used in this section, "abuse" means to deface, damage, defile or otherwise physically mistreat in a manner likely to outrage public sensibilities.

(c) Abuse of venerated objects is a Class C misdemeanor. (Ord. 84-65 §2(Exhibit A(part)), 1984).

### **7.32.050 Offensive Littering.**

(a) A person commits the crime of "offensive littering" if he creates an objectionable stench or degrades the beauty or appearance of property or detracts from the natural cleanliness or safety of property by intentionally:

- (1) Discarding or depositing any rubbish, trash, garbage, debris or other refuse upon the land of another without permission of the owner, or upon any public way or in or upon any

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public transportation facility; or

(2) Draining, or causing or permitting to be drained, sewage or the drainage from a cesspool, septic tank, recreational or camping vehicle waste-holding tank or other contaminated source, upon the land of another without permission of the owner, or upon any public way; or

(3) Permitting any rubbish, trash, garbage, debris or other refuse to be thrown from a vehicle which he is operating; except that this subsection shall not apply to a person operating a vehicle transporting passengers for hire subject to regulation by the Interstate Commerce Commission or the Public Utility Commissioner.

(b) As used in this section, "public way" includes, but is not limited to, roads, streets, alleys, lanes, trails, beaches, parks and all recreational facilities operated by the state, a county or local municipality for use by the general public.

(c) As used in this section, "public transportation facility" has the meaning provided for in ORS 164.365.

(d) Offensive littering is a Class C misdemeanor. (Ord. 84-65 §2(Exhibit A(part)), 1984).

## **7.32.060 Creating A Hazard.**

(a) A person commits the crime of "creating a hazard" if:

(1) He intentionally maintains or leaves in a place accessible to children a container with a compartment of more than one and one-half cubic feet capacity and a door or lid which locks or fastens automatically when closed and which cannot easily be opened from the inside; or

(2) Being the owner or otherwise having possession of property upon which there is a well, cistern, cesspool, excavation or other hole of a depth of four feet or more and a top width of twelve inches or more, he intentionally fails or refuses to cover or fence it with a suitable protective construction.

(b) Creating a hazard is a Class B misdemeanor. (Ord. 84-65 §2(Exhibit A(part)), 1984).

## **7.32.070 Improper Garbage Transportation.**

(a) It is unlawful for any person to carry any garbage, filth, or refuse along any sidewalk or transport any garbage, swill, or refuse through any street, except in a covered wagon or in a tightly covered box or apparatus, such wagon, box or apparatus to be constructed and so covered, and such covering to be so closed or fastened down over the entire contents of the load as to prevent such contents from leaking, spilling, dropping or in any manner being deposited in the street, or from being exposed to the open air, during such transportation.

(b) Improper garbage transportation is a violation. (Ord. 72-21 Art. 8 §12, 1972).

## **7.32.080 Blasting Without Permit.**

(a) No person shall, without having first received a permit from the City Engineer, explode or cause to be exploded any explosive for any purpose. "Explosive" means a chemical compound, mixture or device that is commonly used or intended for the purpose of producing a chemical reaction resulting in a substantially instantaneous release of gas and heat, including, but not limited to, dynamite, blasting powder, nitroglycerin, blasting caps and nitro-jelly, but excluding fireworks, as defined by Oregon Revised Statutes 480.110 (1) 1984 Oregon Laws;

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black powder, smokeless powder, small arms ammunition and small arms ammunition primers.

(b) The City Engineer, before issuing a permit for the use of explosives, shall require the person to whom the permit is to be issued to:

(1) Complete an application form and state the dates, time and specific place where the explosives will be used, the purpose for which the explosive will be used, the type of explosive which will be used, the maximum number of units to be used, and the name and address of the person who will be using the explosives;

(2) Provide a letter or other evidence from the insurance carrier of the person to whom the permit will be issued that:

(3) The applicant is to pay a fee as prescribed by the City Council and by Chapter 3.32 of this code.

(A) The policy shall remain in continuous effect for the time period for which the permit is issued. The letter or other evidence shall identify the time period for which the insurance shall remain in effect; and

(B) The person to whom the permit will be issued has insurance coverage to the amount required under subsection (c) of this section.

(c) No permit for the use of explosives shall be issued by the City Engineer until the person to whom the permit will be issued provides evidence of insurance for such amounts as the City Engineer deems necessary to protect the City and any person or property in the City from all damage or loss that might result from the use of explosives and to protect the City, its officers, agents and employees from all claims for such damage or loss. In no case shall the required insurance coverage be less than the following:

(1) Fifty thousand dollars to any claimant for any number of claims for damage to or destruction of property, including consequential damages, arising out of a single accident or occurrence;

(2) One hundred thousand dollars to any claimant for all other claims arising out of a single accident or occurrence; and

(3) Three hundred thousand dollars for any number of claims arising out of a single accident or occurrence.

(d) The City Engineer shall have the power and authority to limit the time, dates and force of the explosions to be made.

(e) The City Engineer shall have the authority to deny an application for a permit upon a finding that:

(1) The requirements of these code provisions have not been satisfied;

(2) There is a danger to the public safety, surrounding properties, or individual persons; or

(3) The applicant does not have a certificate of possession required under state law.

(f) The permit shall not be transferable to any other person, to any other location or to any other time or date. It shall be specific to the person, to the location and to the other information required by these code provisions. The use of explosives in a manner other than provided on the permit shall be deemed to constitute an offense of using explosives without a permit.

(g) The offense of using explosives without a permit shall be a Class A misdemeanor. (Ord. 84-56 §1, 1984; Ord. 84-41, 1984; Ord. 72-21 Art.

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8 §13, 1972).

## **7.32.110 Public Indecency.**

(a) A person commits the crime of "public indecency in the first degree" if while in, or in view of, a public place he performs:

(1) An act of sexual intercourse; or

(2) An act of deviate sexual intercourse; or

(3) An act of exposing his genitals with the intent of arousing the sexual desire of himself or another person.

(b) A person commits the crime of "public indecency in the second degree" if he urinates or defecates in a public place or a place visible from a public place (other than a public restroom).

(c) Public indecency in the first degree is a Class A misdemeanor.

(d) Public indecency in the second degree is a violation. (Ord. 81-126 §1, 1981; Ord. 81-36 §1, 1981; Ord. 72-21 Art. 5 §4, 1972).

## **7.32.120 Discharge Of Weapons.**

(a) No person other than an authorized peace officer shall fire or discharge within the City any gun or weapon which acts by force of gunpowder or other explosive, or by the use of jet or rocket propulsion except as may otherwise be expressly provided in this code.

(b) The provisions of this section shall not be construed to prohibit the firing or discharging of any weapon:

(1) By any person in the defense or protection of his property, person or family;

(2) At any place duly designated or commonly used for target practice;

(3) At any gunsmithing business, for which a business license by the City has been issued, and for which a construction design for a soundproof test shooting booth and bullet trap has been approved by the Chief of Police. Prior to the issuance of the business license, the shooting booth and bullet trap shall be inspected by the Chief of Police and the Building Official or their designee for compliance with the construction plans.

(c) Violation of this section is a Class A misdemeanor. (Ord. 85-17 §1, 1985; Ord. 83-60 §1, 1984; Ord. 73-14 §1 (part), 1973)

## **7.32.125 Carrying Loaded Firearms.**

As used in this section, "firearm" means a pistol, revolver, gun, rifle or other mechanism, including a miniature weapon which projects a missile or shot by force of gunpowder or any other explosive, or by spring or by compressed air.

(a) It is unlawful for any person to possess a firearm in a public place as that term is defined in ORS 161.015 unless all ammunition has been removed from the chamber and from the cylinder, clip or magazine. This section does not apply to or affect:

(1) a law enforcement officer in the performance of official duty;

(2) a member of the military in the performance of official duty;

(3) a person licensed to carry a concealed handgun;

(4) a person authorized to possess a loaded firearm while in or on a public building

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under ORS 166.370.

(b) It is unlawful for any person possessing a firearm in a public place to refuse to permit a peace officer to inspect that firearm after the peace officer has identified himself as such.

(c) Violation of any portion of subsections (a) and (b) is a Class A misdemeanor. (Ord. 96-28; Ord. 76-22 §1, 1976).

## **7.32.130 Carrying Concealed Weapons.**

(a) Except as provided in subsection (b) of this section, any person who carries concealed about his person in any manner any knife having a blade that projects or swings into position by force of a spring or by centrifugal force and commonly known as a switchblade knife, or any dirk, dagger, ice pick, slingshot, metal knuckles or any similar instrument by the use of which injury could be inflicted upon the person or property of any other person, commits a Class B misdemeanor.

(b) Nothing in subsection (a) of this section applies to any peace officer as defined in ORS 133.005, whose duty it is to serve process or make arrests. Justices of the peace have concurrent jurisdiction to try any person charged with violating any of the provisions of subsection (a) of this section. (Ord. 96-28; Ord. 73-14 §1(part), 1973).

## **7.32.140 Repealed by Ord. 96-28.**

## **7.32.150 Use Of Air Guns And Beanshooters.**

(a) It is unlawful for any person to use, cause to be used or encourage the use of any air gun, beanshooter, slingshot, bow and arrow, crossbow, or other similar contrivance, in or upon any street, park, lane or alley, or other public place.

(b) Violation of this section shall be an unclassified misdemeanor and upon conviction a fine may be imposed not exceeding fifty dollars. (Ord. 96-28; Ord. 73-14 §1(part), 1973).

## **7.32.160 Manufacturing, Selling, Carrying Or Possessing Slugging Or Stabbing Weapons.**

Except as provided in ORS 166.515 or 166.520, any person who manufactures, causes to be manufactured, sells, keeps for sale, offers, gives, loans, carries or possesses an instrument or weapon having a blade which projects or swings into position by force of a spring or other device and commonly known as a switchblade knife or an instrument or weapon commonly known as a blackjack, slingshot, billy, sandclub, sandbag, sap glove, or metal knuckles, or who carries a dirk, dagger or stiletto, commits a Class A misdemeanor. (Ord. 80-14 §1(part), 1980).

## **7.32.170 Persons Permitted To Carry Blackjacks.**

(1) Peace officers are not prohibited from carrying or possessing an instrument commonly known as a blackjack or billy.

(2) As used in subsection (1) of this section, the terms "blackjack" and "billy" do not include an instrument or weapon commonly known as a sap glove. (Ord. 80-14 §1(part), 1980).

## **7.32.180 Public Consumption Of Alcoholic Beverage.**

(a) No person shall consume any alcoholic beverage in or upon any public place or premise open to the public, unless the public place or premise open to the public has been licensed by the Oregon Liquor Control Commission. For the purpose of this section, "public place" and "premise open to the public" does not include

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parks.

(b) A person who violates this section commits a violation punishable by a fine of not more than \$250. (Ord 98-10).■