

**GENERAL ORDINANCE NO. 93-1175****AN ORDINANCE PRESCRIBING GENERAL OFFENSES;  
PROVIDING PENALTIES; AND REPEALING GENERAL  
ORDINANCE NO'S. 750, 719, 752, AND 932; AND  
DECLARING AN EMERGENCY****THE PEOPLE OF THE CITY OF THE DALLES DO ORDAIN AS FOLLOWS:**Section 1. Oregon Criminal Code Adopted.

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

**Drinking and Unnecessary Noise**

Section 2. Drinking in Public Places. No person shall drink or consume alcoholic liquor in or on a street, alley, mall, parking lot or structure, public grounds or other public place, unless the place has been licensed for that purpose by the Oregon Liquor Control Commission, or unless the public place is under the control and jurisdiction of another local governmental agency which allows consumption of alcohol within a public place. However, consumption of alcoholic liquor is permitted in a park when allowed by regulations adopted by the agency having control and jurisdiction over the park, and when all necessary permits have been obtained.

Section 3. Unreasonable 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. Keeping an animal that by loud and frequent or continued noise, disturbs the comfort and repose of a person in the vicinity.

- B. Using an engine, thing or device that 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. Using a mechanical device operated by compressed air, steam, or otherwise, unless the noise created by it is effectively muffled.
- D. The blowing of any locomotive steam whistle, air horn, or electric horn, except to prevent personal injury or property damage not otherwise avoidable.
- E. Construction, excavation, demolition, alteration or repair of a building between the hours of 8:00 p.m. and 7:00 a.m., except by special permit granted by the city.
- F. Using or operating an automatic or electric piano, musical instrument, radio, stereo, loudspeaker, or other sound-amplifying device so loudly that it disturbs any person(s) in its vicinity, or in a manner that makes it a public nuisance. The use or operation of any such device between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of 50 feet from the building, structure, or vehicle in which it is located shall be prima facie evidence of a violation of this section. [amended by Ordinance 06-1270 adopted July 24, 2006.]

Unreasonable noise shall not be construed to include the creation or generation of noise under the following circumstances:

1. Emergency vehicles responding to an emergency situation.
2. Vehicles and equipment operated by a unit of local government, as defined in ORS 190.003, while engaged in a traditional or customary governmental function, including, but not limited to, street construction and maintenance, street sweeping, and snow removal.
3. Vehicles and equipment operated by a franchisee as part of the provision of an authorized and approved service pursuant to a franchise agreement with the City of The Dalles.
4. The operation of vehicles or equipment, including vehicles or equipment required to be equipped with certain safety features or devices to comply with local, state or federal law, by a person or business in connection with a permitted or conditional use activity, consistent with the provisions of the City's zoning, traffic, and nuisance ordinances.

### **Weapons and Fireworks**

#### Section 4. Discharge of Weapons.

- A. No person, other than an authorized peace officer, shall fire or discharge within the city limits any gun, including a spring or air-activated pellet gun, air gun, BB gun, or other weapon that propels a projectile by use of gunpowder or other explosive, jet or rocket propulsion.
- B. Subsection (A) 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. By any person participating in any public display, event, or celebration, with the permission of the Police Chief or his duly authorized designee.
- C. No person shall throw any snowball, missile, or other projectile in such a manner as to endanger the safety or welfare of another person or property.

Section 5. Concealed Weapons. No persons other than an authorized peace officer or person licensed pursuant to ORA 166.291 to 166.293, as now constituted, shall carry concealed on or about his person in any manner any revolver, pistol, or other firearm, a pellet gun, or any knife, other than an ordinary pocket knife, or any dirk, dagger, stiletto, metal knuckles, or any weapon by the use of which injury could be inflicted upon another person or property.

Section 6. Fireworks. The provisions of the Oregon Fireworks Law, as set forth in Chapter 480 of the Oregon Revised Statutes, as now constituted, are adopted by reference and made a part of this ordinance.

### **Offenses Relating to Animals**

Section 7. Poisoning Animals. No person shall put out or place poison where it is liable to be eaten by cattle, sheep, horses, hogs, dogs, or other domestic animals.

### **Street and Sidewalk Offenses**

Section 8. Obstruction of Building Entrances. No person shall obstruct an entrance to a building.

Section 9. Obstruction of Sidewalks. No person shall, except as otherwise permitted by ordinance, obstruct, cause to be obstructed, or assist in obstructing pedestrian traffic on any sidewalk.

Section 10. Open Cellar Doors or Grates. No owner or person in charge of property shall permit a cellar door or grate located in or on a sidewalk or public pathway to remain open unless the entrance is being used. When such a door or grate is used for entrance, the owner or person in charge of the property shall provide adequate safeguards for pedestrians using the sidewalk.

Section 11. Obstruction of Fire Hydrants. No owner of property adjacent to a street upon which a fire hydrant is located shall place or maintain a bush, shrub or tree or other obstruction within three feet of the fire hydrant.

Section 12. Vending Goods on Street or Sidewalks. No person shall use any street or sidewalk, or any portion thereof, for the selling, storing, or display of merchandise or equipment except as may otherwise be provided by ordinance.

Section 13. Debris on Streets or Sidewalks. No person shall deposit any earth or other debris upon any street or sidewalk, except as permitted by ordinance or authorized by the Director of the Department of Public Works or his duly authorized designee.

#### **Miscellaneous**

Section 14. Social Games. Social games, as defined in ORS 167.117, as now constituted, may be played or conducted in the City of The Dalles in a private club, fraternal or charitable organization, subject to the provisions of ORS 167.117, and other provisions of Chapter 167 of the Oregon Revised Statutes, as now constituted.

Section 15. Official Notices and Signs. No person shall intentionally or knowingly deface or tear down any official notice, bulletin, sign, or signal posted or placed in conformity with the law.

Section 16. Hauling. No person shall haul sand, gravel, rock, wood or other substance in a vehicle or conveyance that is so constructed or in such a condition as to allow the sand, gravel, rock, wood or other substance to fall on and litter public streets.

Section 16 (A). Public Urination and Defecation. No person shall, while in a public place or in view of a public place, perform an act of urination or defecation, except in a toilet provided for that purpose. [Added by Ordinance 11-1311, adopted by City Council May 9, 2011.]

Section 16 (B). Possession of Less Than One Ounce of Marijuana. [Added by Ordinance No. 11-1311, adopted by City Council May 9, 2011.]

1. Definition. For purposes of this Section, the term “marijuana” shall mean all parts of the plant Cannabis family Moraceae, whether growing or not; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its resin. The term “marijuana” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plan which is incapable of germination. The term “marijuana” also does not mean industrial hemp, as defined in ORS 571.300, or industrial hemp commodities or products.
2. Possession of Marijuana. No person shall knowingly or intentionally possess marijuana, in an amount up to one avoirdupois ounce, except as otherwise authorized under the Oregon State Medical marijuana Act.
3. Penalty. A violation of this Section is punishable by a fine of not less than \$500 and not more than \$1,000.
4. Diversion. A person charged with the offense of Possession of Less than One Ounce of Marijuana may be eligible for a diversion agreement, if the offense for which the defendant is before the Municipal Court is the defendant’s first such offense, and the defendant files a petition for a possession of marijuana diversion agreement with the Municipal Court, and pays the required diversion fee. Such petitions for a diversion agreement shall be available to the defendant at the Municipal Court. The petition shall conform to the requirements of state law, and the diversion procedures shall be as prescribed by state statutes for possession of marijuana diversion agreements.

### General Provisions

Section 17. Soliciting or Conspiring to Violate Ordinances. No person shall solicit, aid, employ or engage another person, or solicit another person, to violate a provision of any City ordinance.

Section 18. Attempt to Commit Offenses. A person who attempts to commit an offense mentioned in this ordinance or any ordinance of the City, but who, for any reason, is prevented from consummating such act, is guilty of an offense.

Section 19. Separate Violations. When in any City ordinance, an act is prohibited or is made or declared to be unlawful or an offense, or doing an act is required, or the failure to do an act is declared to be unlawful or an offense, each day a violation continues constitutes a separate offense.

Section 20. Penalties. Violation of any provision of this ordinance is punishable by imprisonment for a period not to exceed one year, or a fine not exceeding the sum of \$6,250.00, or a combination of the two penalties. [As amended by Ordinance No. 05-1264, adopted by City Council November 28, 2005.]

Section 21. Nuisance Abatement. No provision in this ordinance shall preclude abatement of a nuisance as provided for in the City's general nuisance ordinance.

Section 22. Severability. Invalidity of a section or a part of a section of this ordinance shall not affect the validity of the remaining sections or parts of sections.

Section 23. Repeal. General Ordinances No's. 750, 719, 752, and 932, are hereby repealed.

Section 24. Saving Clause. Notwithstanding Section 23, ordinance repealed shall remain in force to authorize the arrest, prosecution, conviction, and punishment of a person who violated the ordinances prior to the effective date of this ordinance.

Section 25. Emergency. Whereas the City Council has repealed several ordinances which are obsolete and cumulative, by adoption of ordinance; and Whereas, it is in the interest of public health, safety, and welfare to provide that this ordinance shall take effect upon adoption to allow for continuous and sustained enforcement of the City's ordinances; NOW, THEREFORE, an emergency is declared to exist and this ordinance shall go into effect immediately upon its adoption.

Passed by the City Council and approved by the Mayor October 18, 1993.