

NUISANCE AND OFFENSE CODE

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GENERAL

5.000 Code Provisions as Law.

The provisions of this Code are the laws of the City of Gold Beach and not merely prima facie evidence of the law.

5.010 General Savings Provision.

This Code shall not affect rights and duties that matured, penalties that were incurred and proceedings that were begun before the effective date of this Code.

5.020 Continuity of Existing Provisions.

The provisions of this Code that are the same in substance as code or ordinance provisions that are in effect immediately before this Code becomes effective are construed as restatements and continuations of the prior provisions.

5.030 Interpretation of Term “City Administrator”.

Unless the context specifically indicates otherwise, any time this Code indicates that an action is to be performed by the City Administrator, that action may be performed either by the City Administrator or by the City Administrator’s designee. Designation of a designee of the City Administrator may be made informally.

5.040 Severability.

The sections, subsections, paragraphs, provisions, clauses, phrases, and words of this Code are severable. If a section, subsection, paragraph, provision, clause, phrase, or word of this Code is declared by a court of competent jurisdiction to be unconstitutional

or invalid, the judgment shall not affect the validity of the remaining portions of this Code. Every other section, subsection, paragraph, provision, clause, phrase or word of this Code enacted, irrespective of the enactment or validity of the portion declared unconstitutional or invalid, is valid.

DOG CONTROL

5.050 Definitions.

- (1) The term “dog” as used in this Code shall mean male and female dogs, either sterilized or not, and whether licensed or not.
- (2) *Running at large definition:* A dog shall be considered to be running at large when it is off or outside the premises belonging to the person having the control, custody or possession of the dog unless the dog is under the complete control of such person by means of an adequate leash, or is within a vehicle.

5.055 Dogs Running at Large Prohibited.

The running at large of dogs within the City of Gold Beach is prohibited at all times.

5.060 Dogs Must be Licensed.

All dogs within the City of Gold Beach must be licensed at all times as provided by Oregon Revised Statutes Chapter 609.

5.065 Enforcement.

The police department of the City of Gold Beach shall have charge of the enforcement of this Code. It shall impound any dogs detained for violation of this Code in the Curry County animal shelter through the Curry County animal control officer. Any pick-up fee and any boarding fee charged to the owner will remain the property of Curry County, any fines or assessments imposed pursuant to Section 5.070 of this Code shall remain the property of the City.

5.070 Penalties.

Any dog found running at large may be impounded, whether licensed or not, and its owner shall be subject to citation into the municipal court. Each violation of this code constitutes an individual and separate offense. The maximum fines shall be set by resolution of the Gold Beach City Council.

5.075 Impoundment.

Any dog impounded under the authority of this Code will be retained for the amount of time provided in Oregon Revised Statutes 609.090, and after that period of time will be disposed of as provided by Oregon Revised Statutes 609.090.

5.080 Release of Impounded Dogs.

Any dog impounded under the authority of this Code shall be released to its owner upon payment of any pick-up and boarding fees charged by the Curry County animal shelter and any and all fines imposed by the municipal court. If any dog is impounded for lack of a license, then a license must be obtained in addition to any other fees and/or fines.

DISCARDED VEHICLES

5.100 Definitions.

As used in this Code, unless the context requires otherwise:

- (1) “Costs” shall mean the expense of removing, storing or selling a discarded vehicle.
- (2) “Chief of Police” includes any authorized law enforcement officer of the City of Gold Beach.
- (3) “Discarded” shall mean any vehicle that does not have lawfully affixed thereto an unexpired license plate and is in one or more of the following conditions:
 - (a) Inoperative.
 - (b) Wrecked.
 - (c) Dismantled.
 - (d) Partially dismantled.
 - (e) Abandoned.
 - (f) Junked.
 - (g) Discarded vehicles may be deemed to include major parts thereof including but not limited to bodies, engines, transmissions and rear ends.
- (4) For the purposes of this chapter only, a vehicle rendered temporarily inoperative but otherwise legally parked outdoors on public right-of-way adjacent to the vehicle owner’s residence or on private property shall not be considered a

discarded vehicle if the vehicle is secure, not creating a hazard, and repairs to the vehicle are made within thirty (30) days.

- (5) "Vehicle owner" shall mean any individual, firm, corporation or unincorporated association with a claim, either individually or jointly, of ownership of any interest, legal or equitable, in a vehicle.
- (6) "Person in charge of property" shall mean any agent, occupant, lessee, contract purchaser, owner or person having possession, control or title of property where a vehicle is located.
- (7) "Vehicle" shall mean every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, and includes vehicles that are propelled by any means as defined in ORS 801.590.

5.105 Declaration of Public Nuisance.

The open accumulation and storage of a discarded vehicle is hereby found to create a condition tending to reduce the value of private property, to promote blight, deterioration and unsightliness, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and insects and to be injurious to the health, safety and general welfare. Therefore, the presence of a discarded vehicle on private or public property is hereby declared to constitute a public nuisance, which may be abated in accordance with the provisions of this Code.

5.110 Prohibited Action.

It shall be unlawful to store or permit the storing of a discarded vehicle upon any private property within the City unless the vehicle is completely enclosed within a building, stored behind a site obscuring fence, hedge or wall, or stored by a lawfully conducted business dealing in disabled vehicles or vehicle repairs .

5.115 Police Duty.

- (1) It shall be the duty of the Chief of Police, whenever a discarded vehicle is found upon private property to:
 - (a) Make an investigation to discover the owner of the vehicle and the person in charge of the property upon which such vehicle is located and give written notice to them by personal service or by registered or certified mail that the vehicle is in violation of this Code; and
 - (b) If the owner of the vehicle is not found, to place a notice upon the windshield or some other part of the vehicle where it can be easily seen.

- (2) The notice shall state that a certain discarded vehicle is in violation of this Code and that within fourteen (14) days of the date of mailing, delivery or posting of the notice:
 - (a) The vehicle must be removed from the City or to the storage yard of a business enterprise dealing in discarded vehicles or vehicle repair lawfully conducted within the City; or
 - (b) Completely enclosed within a building, stored behind a site obscuring fence, hedge or wall.
- (3) The notice shall also state that the alternative to compliance with Subsection (2) of this section is to petition the City Administrator and request appearance in writing before the City Council within fourteen (14) days of sending or posting of the notice and show cause why such vehicle should not be immediately abated as provided in this Code.
- (4) The notice shall also state that failure to comply with this Code authorizes the City to remove the vehicle and assess the cost of removal against the property.

5.120 Entry upon Private Property.

- (1) The Chief of Police is authorized at all reasonable times to enter upon private property and examine any vehicle for the purpose of determining whether or not it is in a discarded condition. However, before entering upon private property, the chief shall obtain the consent of an occupant thereof or a warrant of the municipal court authorizing his or her entry for the purpose of inspection, except when an emergency exists.
- (2) No search warrant shall be issued under the terms of this Code until an affidavit has been filed with the municipal court, showing probable cause for such inspection by stating the purpose and extent of the proposed inspection, citing this Code as the basis for such inspection, whether it is an inspection instituted by complaint or other specific or general information concerning the vehicle in question or the property on which it is situated.
- (3) It is unlawful for any person to interfere with or attempt to prevent the Chief of Police from entering upon private premises and inspecting any vehicle when an emergency exists or the chief exhibits a warrant authorizing entry.

5.125 Hearing by City Council.

Pursuant to a request pursuant to Section 5.115(3), the City Council shall fix a time for a hearing to show cause why a discarded vehicle nuisance should not be immediately abated. The Council shall receive the evidence and testimony of the Chief of Police and other interested persons concerning the existence, location and condition of the vehicle.

After the hearing, the Council may authorize and order the vehicle removed by the City in accordance with the provisions of this Code. The Council shall make its order in the form of a resolution that declares the vehicle to be a public nuisance. The resolution may order the removal of more than one vehicle and the Council may consolidate the hearings and orders relating to more than one vehicle. The persons receiving the notice specified in Section 5.115 shall be provided with copies of the resolution of the Council. In addition, the Council may impose conditions and take such other action as it deems appropriate under the circumstances in order to carry out the purposes of this Code. The Council may delay the time for removal of said vehicle where, in its opinion, delay is justified by the circumstances. It shall refuse to order the removal of the vehicle where the vehicle, in the opinion of the Council, is not subject to the provisions Sections 5.100 through 5.155 of this Code. The Council shall not be bound by the technical rules of evidence in the conduct of the hearing.

5.130 Abatement by the City and Appraisal.

- (1) Fourteen (14) days after the giving of notice required in Section 5.115 or seven (7) days after adoption of a resolution declaring a vehicle to be a public nuisance as set forth in Section 5.125, whichever is later, the City may abate the nuisance and may remove the vehicle by use of City employees or duly authorized independent contractors. It shall be unlawful for any person to interfere with, hinder or refuse to allow such employees or contractors to enter upon private property for the purpose of removing a vehicle under the provisions of this Code.
- (2) After removing the vehicle, the City shall cause it to be appraised by any person who holds a certificate issued under Oregon Revised Statutes 819.480.

5.140 Disposal of Vehicle.

The City shall dispose of the vehicle in accordance with Oregon Revised Statutes 819.210 and 819.215, as constituted when this Code is adopted.

5.150 Redemption Before Sale.

- (1) A vehicle impounded under the provisions of this Code may be redeemed by its owner or by the person in charge of the property from which the vehicle was removed, before a sale or disposition has taken place by applying to the police department, whereupon the individual shall:
 - (a) Submit evidence of his or her ownership or interest in the vehicle, satisfactory to the Chief of Police, that such claim is rightful;
 - (b) Pay the costs due and owing at the time the application to redeem is made; and
 - (c) Give evidence that the nuisance character of the vehicle will not be

allowed to be resumed.

- (2) Upon compliance with Subsection (1) of this section, the Chief of Police shall execute a receipt and cause the vehicle to be returned.

5.155 Assessment of Costs.

- (1) After disposing of the discarded vehicle and deducting the money, if any, received from any sale of the vehicle from the costs, incurred by the City in removal, storage and sale of the vehicle, the City Administrator shall give notice of assessment of abatement costs, as provided in Section 5.115, to the person in charge of the property from which the vehicle was removed. The notice of assessment of abatement costs will specify:
 - (a) The unpaid costs of abatement:
 - (b) That the cost as indicated will be assessed to and become a lien against the real property unless paid within thirty (30) days from the date of the notice of assessment of abatement costs.
 - (c) That if the person in charge of the property objects to the cost of the abatement indicated, he or she may file a written notice of objection with the City Administrator not later than twenty (20) days from the date of the notice of assessment of abatement costs.
- (2) Objections to the proposed assessment shall be heard and determined by the Council not later than twenty (20) days from the date the City Administrator receives written notice of objection from the person in charge of the property.
- (3) If the costs of the abatement are not paid within thirty (30) days from the date of the notice of assessment of abatement costs, or the date of decision by the Council on the objection to the proposed assessment if such objection is filed by the person in charge of the property, an assessment of the costs shall be made by resolution of the City Council and shall be entered in the docket of city liens and, upon such entry being made, shall constitute a lien upon the real property from which the nuisance was removed or abated.
- (4) The lien shall be enforced in the same manner as liens for street improvements are enforced and shall bear interest at the rate of nine (9) percent per annum. Such interest shall accrue from date of the entry of the lien in the lien docket.
- (5) An error in the name of the person in charge of the property shall not void the assessment, nor will a failure to receive the notice of the proposed assessment render the assessment void. The assessment shall remain a valid lien against the property.

NUISANCE CODE

5.200 Title and Definitions.

This section shall be known as the Nuisance Code of the City of Gold Beach and the following definitions shall apply herein:

- (1) "City" means the City of Gold Beach, Oregon.
- (2) "City Administrator" means the City Administrator of the City of Gold Beach or the Administrator's designee.
- (3) "Person" means a natural person, firm, partnership, association or corporation.
- (4) "Persons in Charge" means any agent, occupant, renter, lessee, owner or person other than the owner, having the possession or control of property or any person being caused to come into existence or continuing existence of a nuisance as defined in this Code.
- (5) "Noxious Growths" means the following:
 - (a) Any vegetation, including grass and/or weeds, which:
 - (i) Poses a fire hazard because it is dry and more than twelve (12) inches high and is either within 100 feet of a structure or an opened public right-of way; or within thirty (30) feet of other types of combustibles; or is otherwise a fire hazard as determined by the City Fire Chief;
 - (ii) Encroaches onto an opened public right-of-way or across a property line;
 - (iii) Poses a traffic hazard because it impairs the view of a public thoroughfare or otherwise makes use of the thoroughfare hazardous, impairs the view of street signs, or in the opinion of the City Chief of Police is a traffic hazard based on sound principles of traffic management;
 - (iv) Creates an unsafe area to which children may be attracted;
 - (v) Is used for habitation by trespassers;
 - (vi) Harbors rodents or other animals that pose a health threat to humans or is otherwise a health hazard as determined by the Curry County Department of Health; or

- (vii) Are listed as noxious or invasive by federal, state or county authorities.
- (b) The term “noxious growths” does not include:
 - (i) Vegetation that constitutes an agricultural crop;
 - (ii) Vegetation the removal of which may be inadvisable because it exposes the land to erosion;
 - (iii) Vegetation (not including Irish Furze (also known as gorse), Scotch Broom, or blackberry vines) that is maintained as an ornamental hedge, privacy screen or windbreak no wider than five (5) feet; unless the ornamental hedge, privacy screen or windbreak constitutes a fire hazard under subsection 5(a)(i) of the Section; or
 - (iv) Vegetation that is maintained as a safety barrier at the top edge of a steep slope or other hazardous location.

5.205 Prohibited Animal Nuisance.

- (1) Dangerous Animals. No person in charge of an animal that is dangerous to the public health or safety shall permit the animal to be exposed to the public. If the animal is exposed to the public, it may be taken into custody by the City and disposed of in accordance with the procedures provided by the Code for the impoundment of dogs, Code sections 5.050 to 5.080, except that before the animal is released by the City, the municipal judge must find that proper precautions will be taken to ensure the public health and safety;
- (2) Removal of Carcasses. No person shall permit an animal carcass under his or her ownership or control to remain upon public property, or to be exposed on private property, for a period of time longer than is reasonably necessary to remove or dispose of the carcass;
- (3) Animals at Large. Except for household pets, no person in charge of an animal shall permit the animal to be at large. Animals at large may be taken into custody by the City and disposed of in accordance with the procedures provided by the Code for the impoundment of dogs, Code sections 5.050 to 5.080.

5.210 Nuisances Affecting Public Health.

No person shall cause or permit a nuisance affecting public health on property under his or her ownership or control. The following are nuisances affecting public health and may be abated as provided in this Code.

- (1) Privies. Open vaults or privies constructed and maintained within the City,

except those constructed or maintained in connection with construction projects in accordance with the Health Division regulations.

- (2) Debris. Accumulations of debris, rubbish, manure and other refuse that are not removed within a reasonable time and that could affect the health of the public.
- (3) Stagnant water. Stagnant water that affords a breeding place for mosquitoes and other insect pests.
- (4) Water pollution. Pollution of a body of water, well, spring, stream or drainage ditch by sewage, industrial wastes or other substances placed in or near the water in a manner that will cause harmful material to pollute the water.
- (5) Food. Decayed or unwholesome food that is offered for human consumption.
- (6) Odor. Premises that are in such a state or condition as to cause an offensive odor or which are in an unsanitary condition.
- (7) Surface drainage. Drainage of liquid wastes from private premises.
- (8) Cesspools. Cesspools or septic tanks which are in an unsanitary condition or which cause an offensive odor.

5.220 Nuisances Affecting Public Safety.

- (1) No person shall create a hazard by:
 - (a) Maintaining or leaving 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 be easily opened from the inside; or
 - (b) 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 (4) feet or more and a top width of twelve (12) inches or more, fail or refuse to cover or fence it with a suitable protective construction.

5.225 Attractive Nuisances.

- (1) No owner or person in charge of property shall permit thereon:
 - (a) Unguarded machinery, equipment or other devices that are attractive, dangerous and accessible to children.
 - (b) Lumber, logs or piling placed or stored in a manner so as to be attractive, dangerous and accessible to children.

- (c) An open pit, quarry, cistern or other excavation without safeguards or barriers to prevent such places from being used by children.
- (2) This section shall not apply to authorized construction projects with reasonable safeguards to prevent injury or death to playing children.

5.230 Snow and Ice.

No person in charge of property, improved or unimproved, abutting on a public sidewalk shall permit:

- (1) Snow to remain on the sidewalk for a period longer than the first two (2) hours of daylight after the snow has fallen.
- (2) Ice to remain on the sidewalk for more than two (2) hours of daylight after the ice has formed unless the ice is covered with sand, ashes or other suitable material to assure safe travel.

5.235 Noxious Growths Prohibited.

- (1) No person in charge of real property shall allow noxious growths on the property. Noxious growths are hereby declared a nuisance.
- (2) It shall be the duty of any owner or person in charge of real property to abate noxious growths from said property. The person in charge shall be liable for the cost of the abatement as provided in this Code.
- (3) No person in charge of property may allow noxious vegetation to be on the property or in the right-of-way of a public thoroughfare abutting on the property. It shall be the duty of the person in charge of the property to cut down or to destroy grass, shrubbery, brush, bushes, weeds, or other noxious vegetation as often as needed to prevent them from becoming unsightly, from becoming a safety, health or fire hazard, or, in the case of weeds or other noxious vegetation from maturing or from going to seed.
- (4) Between February 1 and November 30 of each year, the City Administrator may cause to be published three (3) times in a newspaper of general circulation in the City a copy of Subsection (3) of this section as a notice to all owners of property of their duty to keep their property free from noxious vegetation. The notice shall state the City intends to abate all such reported nuisances ten (10) or more days after notifying the person in charge of the property and to charge the cost of doing so on any particular parcel of property to the person in charge of the property.
- (5) If the noxious growths have not been privately abated in accord with the

published notice, the City may provide written notice to abate the nuisance in the manner provided by Section 5.285 of this Code. If the nuisance remains unabated ten (10) days after such notice is given, the City Administrator may cause the nuisance to be abated and assess costs therefore as provided in Section 5.305 of this Code. The City Administrator may enter upon the property at reasonable times for the purpose of investigating and abating conditions prohibited by this Code.

- (6) The procedure provided by this Code is not exclusive and is in addition to any other procedure authorized by the Gold Beach Code or ordinance and the City Administrator may abate noxious growths that are an imminent danger to human life or property within the City. The cost of abatement shall be assessed and collected as provided by this Code.
- (7) Each day's violation of a provision of this Section 5.235 shall constitute a separate offense. The abatement of a nuisance herein provided shall not constitute a penalty for a violation of this Code, but shall be in addition to any penalty imposed for a violation of this Code.

5.240 Scattering Rubbish.

No person shall deposit upon public or private property any kind of rubbish, trash, debris, refuse or any substance that would mar the appearance of the property, create a stench or fire hazard, detract from the cleanliness or safety of the property or would be likely to injure a person, animal or vehicle traveling upon a public way.

5.245 Trees.

- (1) No person in charge of property that abuts upon a street or public sidewalk shall permit trees or bushes on his property to interfere with street or sidewalk traffic. It shall be the duty of the person in charge of property that abuts upon a street or public sidewalk to keep all trees and bushes on his premises that encroach into the street or public sidewalk, including the adjoining parking strip, trimmed to a height of not less than eight (8) feet above the sidewalk and not less than ten (10) feet above the roadway.
- (2) No person in charge of property shall allow to stand a dead or decaying tree that is a hazard to the public or to the persons or property on or near the property.

5.250 Fences.

- (1) No person in charge of property shall construct or maintain a barbed-wire fence thereon, or permit barbed-wire to remain as part of a fence along a sidewalk or public way; except such wire may be placed above the top of other fencing not less than six (6) feet, six (6) inches high.
- (2) No person in charge of property shall construct, maintain or operate an electric

fence along a sidewalk or public way or along the adjoining property line of another person.

5.255 Surface Waters, Drainage.

- (1) No person in charge of a building or structure shall suffer or permit rainwater, ice or snow to fall from the building or structure onto a street or public sidewalk or to flow across the sidewalk.
- (2) The person in charge of property shall install and maintain in proper state of repair adequate drainpipes or a drainage system, so that any overflow water accumulating on the roof or about the building is not carried across or upon the sidewalk.

5.260 Radio, Television, and Wireless Communication Interference.

- (1) No person shall operate or use an electrical, mechanical or other device, apparatus, instrument or machine that causes reasonably preventable interference with radio, television or wireless communication reception by a radio or television receiver or wireless communication device of good engineering design.
- (2) This section does not apply to devices licensed, approved and operated under the rules and regulations of the Federal Communications Commission.

5.265 Junk.

- (1) No person shall keep any junk outdoors on any street, lot, premises, or in a building that is not wholly or entirely enclosed, or that blocks doors used for ingress or egress.
- (2) The term “junk” as used in this section includes all old motor vehicles, old motor vehicle parts, abandoned auto-mobiles, old machinery, old machinery parts, old appliances or parts thereof, old and other metal, glass, paper, lumber, wood or other waste or discarded material.

This section shall not apply to junk kept in a commercial junkyard or automobile wrecking house.

5.270 Soliciting.

No person shall solicit, cause any other person to solicit, or perform any act furthering solicitation of, any person located on private property or premises not open to the public, between the hours of 8:00 p.m. and 8:00 a.m. each day. Solicitation is defined as any act that constitutes a request, appeal or application to obtain something.

5.275 Container Burning and Open Burning.

- (1) Permit Required. Except as set forth in subsection (6), a permit is required to kindle or maintain any open fire, bonfire or rubbish fire and for container burning. There shall be three (3) types of permits:
 - (a) An open burning permit, limited to a maximum of seven (7) days per permit.
 - (b) A container burning permit, limited to one (1) year from the date of issue. Each container and each location must have a separate permit.
 - (c) A commercial fire permit limited to seven (7) days for building demolition or land clearing.
 - (d) The Fire Chief or designee shall issue the required permit if deemed necessary after an inspection and assurances from the applicant that all burning will take place in compliance with the terms of this Code. A commercial permit shall be reviewed within seven (7) days of application.
- (2) Except as set forth in subsection (7), no person shall kindle or maintain an open fire, bonfire or rubbish fire or burn any material in a container without a permit to do so. No person shall kindle or maintain a bonfire or rubbish fire or burn any material in a container except in strict compliance with the terms of this Code.
- (3) No person shall dispose of waste matter by burning except as follows:
 - (a) All burning shall take place during the hours of 8:00 a.m. to 8:00 p.m. unless otherwise specified by the Fire Chief.
 - (b) Burning shall be confined to incinerators or approved burning containers except as follows:
 - (i) If any open burning permit to engage in such burning is obtained from the Fire Chief or designee;
 - (ii) Such burning is done at a distance of more than twenty-five feet (25') from any building, structure or other combustible waste matter; and
 - (iii) A charged garden hose with a shut off and adjustable nozzle or other like water supply is on hand and a competent person is on constant attendance until all fire has been extinguished. Applicants for such permit must be in legal control of the lot or parcel of land on which the burning is to be done.

- (4) **Offensive Smoke and Odors.** Nothing shall be burned under permit or otherwise, which shall, in burning, cause or create a dense smoke or noxious odors. Materials which shall not be burned include but are not limited to, the following: wet or organic kitchen garbage and wastes, any petroleum based products or plastics, treated wood products, metals, and commercial construction and/or demolition debris. Barrel burning of small amounts of clean construction/demolition debris from non-commercial, home projects will be permitted in accordance with a permit as provided in this Section 5.275.
- (5) **Fire Hazard Prohibited.** No person shall construct, erect, install, maintain or use any burning container or barbecue pit or open or pile burn any combustible material so as to constitute or occasion a fire hazard or as to endanger the life or property of any person thereby. All liability for an escaped fire, including but not limited to personal property damage to property of the permittee and any other person, and all fire suppression costs resulting from the fire, are the sole responsibility of the permittee, or, in the instance of a fire for which no permit was acquired, the person who ignited the fire.
- (6) A permit is not required for the following open fires:
 - (a) Outdoor recreation fire used for cooking when the fire is confined in a commercially manufactured fireplace or barbecue.
 - (b) Fires set and maintained for firefighting training or for otherwise training fire protection personnel.
- (7) **Fire Chief May Prohibit.** The Fire Chief may prohibit any outdoor fires when atmospheric conditions or local circumstances make such fires hazardous.
- (8) **Kindling of Fire on Land of Others Restricted.** No person shall kindle a fire upon the land of another without permission of the owner thereof of his or her agent and any permit required by this Section 5.275.
- (9) **Types and Construction of Burning Containers.** No person shall use a burning container unless it meets the following standards:
 - (a) Commercial, industrial and apartment type incinerators shall be constructed in accordance with the provisions of the Building and Mechanical Codes.
 - (b) Residential burning containers (such as burn barrels) shall be constructed of brick, concrete, hollow tile, metal (steel), or other fire resistive material, shall have no openings greater than one-quarter inch (1/4") wide that are not covered by a spark arrester as described in subsection 9 (c) of this section, shall be equipped with a spark arrester and shall be set

on a fire resistive pad, bare mineral surface, or be approved by the Fire Chief.

- (c) Every burning container shall be equipped and maintained with a spark arrester constructed of iron, heavy wire mesh of at least 14 gauge wire or other non-combustible material, with openings not larger than one-quarter inch by one-quarter inch (1/4" x 1/4").
- (d) Every burning container shall be constructed and maintained in accordance with the requirements of the State of Oregon Department of Environmental Quality.

(11) Location. All burning containers shall be located as follows:

- (a) A residential burning container shall not be located less than twenty (20) feet away from:
 - i. Any building or structure;
 - ii. Rubbish;
 - iii. Dry grass or weeds;
 - iv. Vegetation; and
 - v. Other combustible materialsThe twenty (20) foot minimum requirement shall apply both horizontally and vertically. In addition, a residential burning container shall not be located less than ten (10) feet from any property line.
- (b) The restrictions in this subsection 11 shall not apply to commercially manufactured barbecues and outdoor fireplaces which meet the requirements of subsections 9 (b) and 9 (c) of this section.

(12) Maintenance. Every burning container, barbecue pit and the equipment therefore shall be maintained in good condition and repair at all times.

5.280 Unenumerated Nuisances.

- (1) The acts, conditions or objects specifically enumerated as defined in Sections 5.205 to 5.275 are declared public nuisances; and such acts, conditions or objects may be abated by any of the procedures set forth in Sections 5.285 to 5.310 of this Code.
- (2) In addition to the nuisances specifically enumerated within this Code, every other thing, substance or act that is determined by the Council to be injurious or detrimental to the public health, safety or welfare of the City is declared a nuisance and may be abated as provided in this Code.

5.285 Notice of Abatement.

- (1) Upon determination by the City Administrator that a nuisance exists, the City Administrator shall send a Notice to Abate to the person in charge of the property on which the nuisance exists by registered or certified mail to the last known address of the person in charge and shall also conspicuously post a notice on the property.
- (2) The Notice to Abate shall contain:
 - (a) A description of the real property, by street address or otherwise, on which the nuisance exists.
 - (b) A direction to abate the nuisance within ten (10) days from the date of the notice.
 - (c) A description of the nuisance.
 - (d) A statement that, unless the nuisance is removed, the City may abate the nuisance and the cost of abatement will be charged to the person in charge of the property .
 - (e) A statement that failure to abate a nuisance may warrant imposition of a civil penalty.
 - (f) A statement that the person in charge of the property may protest the order to abate by giving notice to the City Administrator within ten (10) days from the date of the notice.
- (3) An error in the name or address of the person in charge of the property shall not make the notice void.
- (4) Any mailings to the person in charge of the property shall deem to have been received by such person upon mailing by the City to the address found in the records of the Curry County Assessor.

5.290 Abatement by the Person in Charge.

- (1) Within ten (10) days after mailing of such notice, as provided in Section 5.285, the person in charge of the property shall remove the nuisance or protest that no nuisance exists.
- (2) A person in charge of the property protesting that no nuisance exists, shall file with the City Administrator a written statement which shall specify the basis for so protesting.

- (3) The statement shall be referred to the Gold Beach Municipal Court for a hearing at its next succeeding sitting. At the time set for the hearing, the person in charge of the property may appear and be heard by the Court; and the Court shall determine whether or not a nuisance in fact exists. A determination by the Court shall be required only in those cases where a written statement has been filed and the person in charge of the property or representative appears at the hearing.
- (4) If the Court determines that a nuisance does in fact exist, the person in charge of the property shall, within ten (10) days after the Court determination, abate the nuisance.

5.295 Joint Responsibility.

If more than one person is responsible for the nuisance, they shall be jointly and severally liable for abating the nuisance or for the costs incurred by the City in abating the nuisance.

5.300 Abatement by the City.

- (1) If, within the time allowed, the nuisance has not been abated by the person in charge of the property, the City Administrator may cause the nuisance to be abated.
- (2) The officer charged with abatement of the nuisance shall have the right at reasonable times to enter into or upon property to investigate or cause the removal of a nuisance.
- (3) The City Business Office shall keep an accurate record of the expense incurred by the City in physically abating the nuisance and shall include therein a charge in an amount to be set by resolution of the City Council or fifteen (15) percent of those expenses (whichever is the greater) for administrative overhead.

5.305 Assessment of Costs.

- (1) The City Business Office by certified or registered mail, shall forward to the person in charge of the property a notice stating:
 - (a) The total cost of abatement, including the administrative overhead.
 - (b) That the cost as indicated will be assessed to and become a lien against the property unless paid within thirty (30) days from the date of the notice.
 - (c) That if the person in charge of the property objects to the accuracy or reasonableness of the cost of the abatement as indicated, he or she may file a notice of objection with the City Business Office within ten (10)

days of the date of the notice setting forth the bases for objecting.

- (2) If a notice of objection is filed within ten (10) days after the date of the notice, the Gold Beach Municipal Court shall schedule a hearing to hear and determine the objections to the costs assessed.
- (3) If the costs of the abatement are not paid within thirty (30) days from the date of the notice or from the date of the decision of the Municipal Court, if an objection is filed pursuant to subsection (2) of this Section 5.305, an assessment of the costs, as stated in the notice from the City Business Office, or as determined by the Municipal Court shall thereupon be entered in the docket of city liens and, upon such entry being made, shall constitute a lien upon the property from which the nuisance was removed or abated. If the person responsible is not the owner of that property, then the City also may impose a lien upon property owned by the person responsible.
- (4) The lien shall be enforced in the same manner as liens for street improvements are enforced and shall bear interest at the rate of nine (9) percent per annum. The interest shall commence to run from the date of the entry of the lien in the lien docket.
- (5) The City shall be entitled to reasonable attorney fees for any litigation regarding collection of the costs of abatement or filing of the lien as described above with Curry County and any foreclosing of such lien through any appropriate legal action as set by any trial or appellate court.
- (6) An error in the name of the person responsible shall not void the assessment, nor will a failure to receive the notice of the proposed assessment render the assessment void, but it shall remain a valid lien against the property.

5.310 Summary Abatement.

The procedure provided by this Nuisance Code is not exclusive, but is in addition to procedure provided by other laws; and the Fire Chief, the Chief of Police, or any other city official may proceed summarily to abate a health or other nuisance which unmistakably exists and which imminently endangers human life or property. The costs of such abatement may be assessed as provided in Section 5.305 of this Code.

5.315 Penalties.

Except as otherwise provided herein, any person or persons who shall be convicted of being the creator or keeper of a nuisance, or otherwise guilty of a violation of any of the provisions of this Code shall be subject to the maximum fine set by resolution of the City Council for the first offense and all subsequent offenses.

5.320 Separate Violations.

- (1) Each day's violation of a provision of this Code, or each act separate unto itself, constitutes a separate offense.
- (2) The abatement of a nuisance is not a penalty for violating this Code, but is an additional remedy. The imposition of a penalty does not relieve a person of the duty to abate the nuisance; however, abatement of a nuisance within ten (10) days of the date of notice to abate, or if a written protest has been filed, then abatement within ten (10) days of Municipal Court determination that a nuisance exists, will relieve the person responsible for the imposition of any fine under Section 5.315 of this Code except a fine from violation of Section 5.275.

DANGEROUS BUILDINGS

5.350 Definitions.

For the purpose of this Code:

- (1) The term "dangerous buildings" shall include:
 - (a) A structure which, for the want of proper repairs or by reason of age and dilapidated condition or by reason of poorly installed electrical wiring or equipment, defective chimney, defective gas connections, defective heating apparatus, or for any other cause or reason, is especially liable to fire and which is so situated or occupied as to endanger any other building or property or human life.
 - (b) A structure containing combustible or explosive material, rubbish, rags, waste, oils, gasoline or inflammable substance of any kind especially liable to cause fire or danger to the safety of such building, premises or to human life.
 - (c) A structure which shall be kept or maintained or shall be in a filthy or unsanitary condition, especially liable to cause the spread of contagious or infectious diseases.
 - (d) A structure in such weak or weakened condition, or dilapidated or deteriorated condition, as to endanger any person or property by reason of probability of partial or entire collapse.
- (2) The term "person" shall include every natural person, firm, partnership, association or corporation.

- (3) "City official" means any Councilor, mayor, city employee, or any agency or employee of any agency under contract to the City for services.

5.355 General Regulations.

- (1) Administration. The City building official is the primary city official authorized to enforce the provisions of this Code, but any other city official may act under the authority of this Code.
- (2) Inspections. The City building official or another city official is hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this Code.
- (3) Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this Code and whenever the City building official or another city official has probable and reasonable cause to believe that there exists in any building any condition that would make such building a dangerous building as defined herein, then said city official, including the building official, may enter into such building at reasonable times to inspect said premises for any violations of this Code.

5.360 Nuisance.

Every building or part thereof which is found by the Council to be a dangerous building is hereby declared to be a public nuisance; and the same may be abated by the procedures herein specified, or a suit for abatement thereof may be brought by the City.

5.365 Initial Action.

Whenever a city official shall find or be of the opinion that there is a dangerous building in the City, it shall be his duty to report the same to the City Council. Thereupon, the Council shall, within a reasonable time, fix a time and place for a public hearing thereon.

5.370 Hearing; Mailed Notice.

By certified or registered mail, return receipt requested, the City Administrator shall notify the owner of record of the premises whereon the building in question is located, that a hearing will be held concerning the nuisance character of the property and the time and place of the hearing. A copy of this notice shall also be posted on the property in addition to notices prohibiting entry into building. At the hearing the Council shall determine by resolution whether or not the building is dangerous. The Council may, as a part of the hearing, inspect the building; and the facts observed by the Council at such inspection may be considered by it in determining whether or not the building is dangerous. At the hearing the owner or other person interested in the property or building shall have the right to be heard. At such hearing the Council shall have the power to order any building declared to be dangerous removed and abated, if in its

judgment such removal or abatement is necessary in order to remove the dangerous condition; or the Council shall have the power to order the building made safe and to prescribe what acts or things must be done to render the same safe.

5.375 Published and Posted Notices.

Ten (10) days' notice of any hearing shall be published in a newspaper of general circulation in the City or by posting notices thereof in three (3) public places in the City. If the last-mentioned notice be published or given as herein required, no irregularity or failure to mail notices shall invalidate the proceedings.

5.380 Council Orders; Notice.

Five (5) days' notice of findings made by the Council at a hearing and any orders made by the Council shall be given to the owner of the building, the owner's agent or other person controlling the same, and if the orders be not obeyed and the building rendered safe within the time specified by the order (being not less than five (5) days), then the Council shall have the power and duty to order the building removed or made safe at the expense of the property on which the same is situated.

5.385 Abatement by City.

In the event that the Council orders are not complied with, the Council must specify with convenient certainty the work to be done and shall file a statement thereof with the City Administrator, and shall advertise for bids for the doing of the working the manner provided for advertising for bids for street improvement work. Bids shall be received, opened and the contract let.

5.390 Assessment.

The Council shall ascertain and determine the probable cost of the work and assess the same against the property upon which the building is situated. The assessment shall be entered in the docket of city liens and shall thereupon be and become a lien against the property. The creation of the lien and the collection and enforcement of the cost shall all be performed in substantially the same manner as in the case of the cost of street improvements, but irregularities or informalities in the procedure shall be disregarded.

5.395 Summary Abatement.

The procedures of this Code pertaining to Council declaration of a dangerous building need not be followed where a building is unmistakably dangerous and imminently endangers human life or property. In such an instance, the chief of the fire department, the fire marshal or the Chief of Police may proceed summarily to abate the building.

5.398 Penalty.

Any person who shall be the owner of, or shall be in possession of, or in responsible charge of any dangerous building within the City and who shall knowingly suffer or permit the building to be or remain dangerous beyond the time specified in the order of the Council pursuant to Section 5.380, shall be guilty of a violation of this Code and shall, upon conviction thereof, may be fined a maximum amount as set by resolution of the City Council for the first and all subsequent offenses. Each day's violation of a provision of this Code constitutes a separate offense.

OFFENSE CODE

5.400 Definitions.

The definitions contained in Oregon Revised Statutes chapters 161, 162, 163, 164, 165, 166, 167, 471, 475, and 480.110 to 480.160, as constituted when this Code is adopted, are adopted by reference and made a part of this Code.

5.405 Prosecution Procedures – State Statutes Adopted.

The procedures applicable to the prosecution of violations contained in the Oregon Revised Statutes as constituted when this Code is adopted, are adopted by reference and made a part of this Code, and all references therein to district attorney shall include the city prosecutor or the city attorney. These shall include, but not be limited to, those provisions relating to defenses and burden of proof, general principles of criminal liability, parties and general principles of justification.

5.410 Violations — State Statutes Adopted.

Each violation made an offense against the state under the provisions of the Oregon Revised Statutes chapters 161, 162, 163 164, 165, 166, 167, 471, 475, and 480.110 to 480.160, as constituted when this Code is adopted, are adopted by reference and made a part of this Code and designated an offense against the City. A person who violates any one of the provisions within the jurisdiction of the City is in violation of this Code, and shall be charged with the offense of violating section 5.410 of this Code, and reference shall be made in the charging instrument to that particular section of the Oregon Revised Statutes, as incorporated by reference, which has been violated. If any other section of this Code or any other code or ordinance creates a specific violation offense in conflict with a violation offense incorporated by reference in this Code, the provisions of the violation offense incorporated by reference shall govern.

5.415 Soliciting or Confederating to Violate Code.

No person shall solicit, aid, abet, employ or engage another, or confederate with another, to violate a provision of this Code or any other code or ordinance of the City.

5.420 Offenses Outside City Limits.

Where permitted by Oregon law, an act made unlawful by this Code shall constitute an offense when committed on any property owned or leased by the City, even though outside the corporate limits of the City.

5.425 Attempt to Commit Offenses.

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

5.430 Separate Violations.

Whenever in this Code, or any code of the City of Gold Beach, 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.

5.435 Penalties.

Violation of any provision of this Offense Code is punishable by a maximum fine set by resolution of the City Council for the first and each subsequent violation provided, however, in the case of a violation of any provision of this offense code where the offense is identical to an offense created by state statute, and the state law offense carries a lesser penalty, punishment shall be limited to the lesser penalty prescribed in the state law. In addition to the above penalties, the municipal court may also impose any fees, penalties, or assessments provided for by state law, and may order the offender to pay restitution where appropriate. The municipal court judge, at his or her discretion, shall determine the amount of fine and any fees to be assessed in accordance with the provisions of this code.

5.440 Nuisance Abatement.

No provisions in this Code shall preclude the abatement of a nuisance as provided in the general Sections 5.285 through 5.310 of this Code.

5.500 Disorderly Conduct at Fires.

No person at or near a fire shall obstruct or impede the fighting of the fire, interfere with fire department personnel or fire department apparatus, behave in a disorderly manner or refuse to observe promptly an order of a member of the fire or police department.

5.510 Unnecessary Noise.

No person shall create or assist in creating or permit the continuance of unreasonable

noise in the City of Gold Beach. The following enumeration of violations of this section is not exclusive but is illustrative of some unreasonable noises.

- (1) The keeping of an animal that by loud and frequent or continued noise disturbs the comfort and repose of a person in the vicinity.
- (2) 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.
- (3) The use of a mechanical device operated by compressed air, steam or otherwise, unless the noise created thereby is effectively muffled.
- (4) The construction, including excavation, demolition, alteration or repair, of a building other than between the hours of 7:00 a.m. and 6:00 p.m., except upon special permit granted by the City.
- (5) Operating or permitting the use or operation of any device designed for sound production, amplification, or reproduction, including but not limited to a radio, drums and other musical instruments, phonograph, tape recorder, television set, loud speaker or other similar device so loudly as to disturb persons or normal sensitivities in the vicinity thereof.

5.515 Discharge of Weapons.

No person within the city limits other than a police officer in the line of duty shall discharge a firearm, blowgun, bow and arrow, crossbow, BB gun, explosive device, or any other weapon which propels a projectile by use of gunpowder or other explosive or jet or rocket propulsion. The City Council may approve certain areas as firing ranges, and these areas shall be exempt from this section. Also exempt from the application of this section are (1) a person discharging a firearm in the lawful defense of person or property and (2) a person discharging a firearm in order to butcher domestic livestock for personal consumption if the discharge will not endanger persons or property.

5.520 Violating Privacy Of Another.

Except as otherwise allowed by this Code, no person other than a police officer performing a lawful duty shall enter upon land or into a building used in whole or in part as a dwelling without permission of the owner or person entitled to possession thereof and while so trespassing look through or attempt to look through a window, door or transom of the dwelling or that part of the building used as a dwelling with the intent to violate the privacy of any other person.

5.525 Release of Child Confined in Vehicle.

It shall be lawful and the duty of any police officer or peace officer of the City, state, or

county finding a child confined, locked, or left unattended in violation of the terms of Oregon Revised Statutes 163.545, to enter the vehicle and remove the child. The officer, may, if necessary, break the doors, windows, or locks of the vehicle.

5.530 Place of Amusement.

- (1) No person shall employ a person under eighteen (18) years of age in or about a cardroom, poolroom, billiard parlor or dance hall, unless the establishment is a “recreational facility” as defined in subsection (4) of this section.
- (2) No person under eighteen (18) years of age shall enter, visit or loiter in or about a public cardroom, poolroom or billiard parlor.
- (3) 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.
- (4) 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:
 - (a) Which is clean, adequately supervised, adequately lighted and ventilated;
 - (b) In which no alcoholic liquor is sold or consumed; and
 - (c) Access to which does not require passing through a room where alcoholic liquor is sold or consumed.

5.535 Poisoning of Animals.

No person shall put out or place any poison where it is reasonably possible the same may be ingested by any horse, cattle, sheep, hog, dog or other domestic animal.

5.540 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.

5.550 Obstruction of Building Entrances.

No person shall obstruct any entrance to any building or any stairway or hall leading to

any building.

5.555 Open Cellar Doors or Grates.

No owner or person in charge of property shall permit a cellar door or grate located in or upon a sidewalk or public pathway to remain open except when such entrance is being used and, when being used, there are adequate safeguards for pedestrians using the sidewalk.

5.560 Obstruction of Fire Hydrants.

No owner of property adjacent to a street upon which is located a fire hydrant shall place or maintain within eight (8) feet of such fire hydrant any bush, shrub or tree or other obstruction.

5.565 Vending Goods on Streets or Sidewalks.

No person shall use or occupy any portion of a street or sidewalk for the purpose of vending goods, wares or merchandise by public outcry or otherwise, unless a license has first been obtained.

5.570 Begging.

No person shall physically accost another person for the purpose of begging or soliciting alms upon the streets or in any public place.

5.575 Lodging.

No person shall lodge in a car, outbuilding or other place not intended for that purpose without permission of the owner or person entitled to the possession thereof.

5.580 Posted Notices.

No person shall affix a placard, bill or poster upon personal or real property, private or public, with-out first obtaining permission from the owner thereof or from the proper public authority.

5.585 Hauling.

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

5.590 Curfew.

(1) No minor under the age of eighteen (18) years shall be in or upon any street,

highway, park, alley or other public place between the hours of 12:00 midnight and 4:00 a.m. of the following morning, unless:

- (a) Such minor is accompanied by a parent, guardian or other person eighteen (18) years of age or over and authorized by the parent or by law to have care and custody of said minor; or
 - (b) Such minor is then engaged in a lawful pursuit or activity which requires the presence of the minor in such public places during the hours specified in this section; or
 - (c) The minor is emancipated pursuant to Oregon Revised Statutes 419B.550 to 419B.558.
- (2) No parent, guardian or person having the care and custody of a minor under the age of eighteen (18) years, shall allow such minor to be in or upon any street, highway, park, alley or other public place between the hours specified in subsection (1) above, except as otherwise provided in that subsection.
- (3) Any minor who violates subsection (1) of this section may be taken into custody as provided in Oregon Revised Statutes 419C.080, 419C.085 and 419C.088, and may be subject to further proceedings as provided in Oregon Revised Statutes chapter 419C.

PARKS

5.700 Park Rules and Regulations.

The following rules are hereby adopted for the regulation and use of municipal parks in and for the City of Gold Beach, Oregon, and shall be observed at all times, by all persons using any park and/or park facilities:

- (1) In general, park use is on a first come, first served basis. Pavilion use is by reservation only. A reservation to use the pavilion shall be made with the Park Superintendent through the Administrative Office at City Hall.
- (2) No fires or camp stoves shall be allowed except in the following designated areas:
 - (a) Park camp stoves or fireplaces provided for such purposes.
 - (b) Portable stoves in established picnic areas and areas specifically designated for portable stoves.
 - (c) No fire shall be left unattended and every fire shall be completely extinguished before user leaves the park area.

- (3) No person, except a police officer or Park Superintendent, acting within the scope of his or her employment, shall:
- (a) Hunt, pursue, trap, kill, injure, molest or remove any bird, reptile, amphibian, or animal from confines of any city park, nor disturb in any manner the habitat of any bird or animal within the confinement of a city park.
 - (b) Discharge any firearm, pellet gun, bow and arrow, sling shot, or other weapon or instrument capable of injuring any person, bird or animal. Notwithstanding the forgoing, bow and arrow target practice competition may be held without prior written permission of the City Council.
 - (c) Possess any loaded firearm in any park area unless authorized under Oregon state statute (ORS 166.173).
- (4) Flowers, shrubs, foliage, trees, plant life or products of any type, shall not be picked, cut, mutilated, or removed from any park area without express written permission from the City Council or Park Superintendent.
- (5) No person except Park Superintendent or park employees, acting within the scope of their employment, shall mutilate, deface, damage, or remove any table, bench, building, sign, marker, monument, fence, barrier, fountain, faucet, traffic marker, or other structure or facility of any kind in or from the park area.
- (6) No person shall, except under special written permission and regulation of the City Council, dig up, deface, or remove any soil, stones, rocks, or other substance, making any excavation, quarry any stone, or lay, or set off any blast, or roll any stones or other objects, or cause or assist in doing any of the said things within any park area.
- (7) No person shall, except in specifically designated area within the park, erect signs, markers, or inscriptions of any type without permission from the City Council or Park Superintendent.
- (8) No person in any park area may, without written permission from the City Council:
- (a) Operate any type of fixed or mobile concession, or commercial enterprise.
 - (b) On behalf of a commercial enterprise, solicit, sell, or offer for sale, peddle, hawk, or vend, any commercial goods, wares, merchandise, foods, liquids or other services.
- (9) Motor vehicles, including motorcycles and motorbikes, shall be operated only on

roads, and in parking areas constructed or designated for motor vehicular use. No motor vehicle, motor-bike or motorcycle, shall be operated on any grass or trail, or in any part of the park area, not constructed or specifically designated for motor vehicle use, or on any road or trail posted as closed to the public, or on any road or trail where signs are placed and erected by authority of the City Council prohibiting the driving of motor vehicles, including motorcycles and motorbikes. Automobiles, trailers, and all other vehicles shall be parked only in designated parking areas.

- (10) No person shall operate a motor vehicle within any park area at a speed in excess of ten (10) miles per hour.
- (11) No person shall operate or use, any noise producing machine, vehicle, device or other instrument in such a manner that it is disturbing to other park area visitors, except park maintenance vehicles.
- (12) No dog, cat, or other animal of any kind shall be brought into or kept in a park area unless confined in a vehicle or on a leash. The Park Superintendent and city park employees are hereby authorized to undertake any reasonable measures, including the removal of the animal from the park area, deemed necessary by said park employees to prevent interference by said animal with the safety, comfort and well being of the park area users or the appearance and sanitary condition of the park area. No animals, other than disability assistance animals as allowed by law shall be allowed in any building.
- (13) No person shall allow an animal to defecate in a public park, unless the owner or custodian of such animal immediately removes and properly disposes of the animal waste.
- (14) No person shall ride, drive, lead, or keep any saddle horse, or other domesticated animal, in the park area, except cats and dogs on a leash or confined in a vehicle.
- (15) No bottles, cans, ashes, waste paper, garbage, sewage, or other rubbish, refuse, shall be left in any park area, except in the receptacles specifically designated for that purpose. It shall be unlawful for any person to deposit any waste paper, garbage, rubbish, or refuse that was produced from activities outside the confines of any city park, in any waste receptacle located in a city park.
- (16) No person shall set up or use a public address system in any park area without prior written permission of the City Council.
- (17) No person shall wash any clothing or other materials in any park stream or park restroom.
- (18) No overnight camping shall be allowed.

- (19) No person other than law enforcement officers or authorized city personnel, shall enter or remain in any park area during the period between one hour after sunset and one hour after sunrise.
- (20) No minor child under the age of five (5) years old shall be permitted in any park area, unless the child is accompanied by a responsible person of at least twelve (12) years of age.
- (21) Rules and Regulations for Use of Tennis Courts.
- (a) Time limit for play shall be one (1) hour if other persons are waiting to make use of the facilities.
 - (b) No glass bottles or other glass containers shall be brought or kept inside any tennis court area.
 - (c) No bicycles, skates, skateboards, or other similar instruments shall be allowed inside any tennis court area.
 - (d) No dogs, or other animals shall be allowed inside a tennis court area.
 - (e) Tennis courts within any city park are for the use of the public and no private or public lessons shall be given where a consideration is charged for the same without prior written permission of the City Council.
 - (f) Any person wishing to schedule any type of organized tennis tournament, or other organized activity using the tennis courts, shall make application to the Park Superintendent, at least fourteen (14) days prior to the date of the anticipated activity. The Park Superintendent shall be authorized to schedule and regulate all organized activities involving the tennis court area.
- (22) Rules and Regulations for Use of Kid Castle.
- (a) Time limit for play shall be one (1) hour if other persons are waiting to make use of the facilities.
 - (b) No glass bottles or other glass containers shall be brought or kept inside any Kid Castle area.
 - (c) No bicycles, skates, skateboards, or other similar instruments shall be allowed inside the Kid Castle area.
 - (d) No dogs, or other animals shall be allowed inside the Kid Castle area.

- (e) Kid Castle is located within a city park and is for the use of the public. No private or public lessons using Kid Castle shall be given where a consideration is charged for the same without prior written permission from the City Council.
 - (f) Any person wishing to schedule any type of organized activity, using the Kid Castle facilities, shall make application to the Park Superintendent, at least fourteen (14) days prior to the date of the anticipated activity. Park Superintendent shall be authorized to schedule and regulate all organized activities involving the Kid Castle area.
 - (g) Smoking. No smoking shall be permitted in the Kid Castle area at any time.
 - (h) Smokeless Tobacco. Smokeless tobacco (such as chew) and spitting shall not be allowed in the Kid Castle area.
- (23) Alcoholic Beverages. No alcoholic beverages shall be sold or consumed in the park without written permission from the City Council.

5.705 Application for Written Permission.

Any person required to obtain written permission from the City Council for any activity in a city park as described in Section 5.700 of this Code shall submit a request for said permission to the City Administrator and the City Administrator shall place said item on the agenda of the City Council for its next regularly scheduled Council meeting.

5.710 Authorization.

The City Park Superintendent and all city park employees and city police, are hereby authorized and directed to enforce, by all lawful means, full compliance by the public with Section 5.700 of this Code.

5.715 Penalty.

Any person violating any of the provisions of this Section 5.700 of this Code shall, upon conviction thereof in the municipal court of the City of Gold Beach may be punished by a maximum fine as set by resolution of the City Council. In addition to the above penalties, the court may also impose any fees, penalties, or assessments provided for by state law, and may order the offender to pay restitution where appropriate.

5.720 Separate Violations.

Each violation of a provision of this Parks Code shall constitute an individual and separate offense.

Section 2. The following ordinances and all ordinances in conflict herewith are hereby repealed:

1. Ordinance 560.

The following ordinances were previously repealed and incorporated into this Code:

1. Ordinance No. 156
2. Ordinance No. 161
3. Ordinance No. 271
4. Ordinance No. 331
5. Ordinance No. 332
6. Ordinance No. 335
7. Ordinance No. 338
8. Ordinance No. 351
9. Ordinance No. 355
10. Ordinance No. 367
11. Ordinance No. 378
12. Ordinance No. 391
13. Ordinance No. 409
14. Ordinance No. 412
15. Ordinance No. 417
16. Ordinance No. 419
17. Ordinance No. 434
18. Ordinance No. 473
19. Ordinance No. 485
20. Ordinance No. 531
21. Ordinance No. 551
22. Ordinance No. 554