

9.12.010

Chapter 9.12

OFFENSES AGAINST PUBLIC PEACE AND DECENCY Sections:

9.12.010 Offenses involving intoxicating liquor. 9.12.020 Offenses involving gambling. 9.12.030 Offenses involving firearms, fireworks and explosives.

9.12.040 Offenses relating to noise.

9.12.010 Offenses involving intoxicating liquor. A. State Statute. The city adopts ORS 471.410 and 471.430. B. Drinking in Public Places.

1. It is unlawful for any person to drink any intoxicating liquor upon any street or in any public place; provided, however, that nothing contained in this section shall

be deemed to apply to the drinking of any intoxicating liquor in any establishment wherein it may be sold for consumption under the laws of the state;

2. A violation of this subsection shall be a Class C misdemeanor.

C. Broken Seal.

1. It is unlawful to have within the city any bottle, jug or other container having intoxicating liquor therein which is unsealed or the seal to which has been broken, excepting on private premises or licensed premises. No motor vehicle or other conveyance shall be held to be private premises, or licensed premises within the meaning of this section;

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2. A violation of this subsection shall be a violation. (Ord. 521 §3, 1986)

9.12.020 Offenses involving gambling. A. Definitions.

"Charitable, fraternal or religious organization" means any person organized and existing for charitable, benevolent, eleemosynary, humane, patriotic, religious, philanthropic, recreational, social, educational, civic, fraternal or other nonprofit purposes.

"Lottery," commonly known as "bingo" or "lotto" means a game played with cards bearing lines and numbers, in which a player covers a number when it is called by an individual who draws numbered markers from a container and which is won by the player who first covers a line of numbers.

"Player" means a person who engages in the lottery solely as a contestant.

B. Permitted Lotteries. The lottery commonly known as bingo or lotto may be operated by a charitable, fraternal or religious organization within the city when no person other than the organization or a player profits in any manner from the operation of the lottery.

C. Licenses.

1. All qualified organizations desiring to operate a lottery as defined in this section shall make application to the city at city hall on forms provided by them, and when the fully completed application is turned in, it shall be accompanied by a fee of ten dollars. Thereafter, annually, such organization shall pay to the city an annual license fee in the sum of one hundred dollars for each year the lottery continues;

2. All applications shall be presented to the city council for action. The council

reserves the right to deny or approve any or all applications since the license is a privilege, not a right.

D. Other Gambling Prohibited.

1. It is unlawful for any person to operate or assist in operating any gambling game played for money or other representative of value, to operate or assist in the operation of any lottery, or play in such game or lottery except as provided for in subsection B of this section;

2. A violation of this subsection shall be a Class A misdemeanor.

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E. Gambling Paraphernalia.

1. It is unlawful for any person to have in his possession any property, instrumentality or device designed or peculiarly adapted for use in any gambling game. Any such property, instrumentality or device is declared to be a nuisance, and it shall be the duty of any police officer to seize any such gambling paraphernalia and forthwith to deliver the same into the custody of the municipal judge. Upon the conviction of any person violating the provisions of this section, it shall be the duty of the municipal judge to order any gambling paraphernalia so taken from such person to be confiscated and destroyed, after a thirty-day appeal period. This section does not apply to lotteries pursuant to subsection C of this section;

2. A violation of this subsection shall be a Class A misdemeanor. (Ord. 521 §4, 1986)

9.12.030 Offenses involving firearms, fireworks and explosives.A. Discharging of Firearms.

1. It is unlawful for any person to discharge any type of firearm or bow, cross bow, pellet gun, B.B. gun, or air rifle;

2. This section shall not apply to any peace officer while acting in performance of duty, or to any other person lawfully using a firearm in defense of property or person;

3. A violation of this section shall be a Class A misdemeanor.

B. Sale of Fireworks.

1. The city adopts the Oregon Fireworks Law, ORS 480.110--.160 to regulate the use and sale of fireworks;

2. Fireworks shall not be sold without the seller holding a valid business permit or license;

3. A violation of this subsection shall be a Class B misdemeanor.

C. Blasting.

1. It is unlawful for any person, firm or corporation blasting rock or stone within the corporate limits of the city to fire any such blast unless the same is securely covered with chain aprons, brush, logs, poles or other materials or material in such manner that all danger to persons and property shall be deemed to mean any blasting done with powder, dynamite or any other explosive;

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9.12.040 Offenses relating to noise. A. Unnecessary Noise. It is unlawful for any person to create, assist in creating, permit, continue or permit the continuation of any **unnecessary** loud or disturbing noise in the city. The following acts are declared to be a violation of this section, but such enumerations shall not be deemed to be exclusive:

1. The keeping of any animal which by frequent or loud continued noise shall disturb the comfort and repose of any person in the vicinity;

2. The use of any automobile, motorcycle, streetcar or other vehicle, any engine, stationary or moving instrument, or any device or thing so out of repair, so loaded or operated in such manner as to create loud or unnecessary grating, grinding, rattling or other noises;

3. The use of any mechanical device operated by compressed air, steam or otherwise, unless the noise created thereby is effectively muffled;

4. The commercial construction, excavation, demolition, exterior alteration or repair of a building, or exterior use of heavy construction equipment, other than between the hours of seven a.m. to eight p.m. Monday through Friday and nine a.m. to four p.m. on Saturdays, except upon special permit granted by the city **manager. Work, as described in the preceding sentence, is prohibited on Sundays, New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas;**

5. The use of any gong or siren upon any vehicle other than police, fire or other emergency vehicle;

6. The operation of any gasoline engine without having the same equipped with and using thereupon a muffler;

7. Other than for school events, the use or operation of any phonograph, radio, loudspeakers or any sound-amplifying device so loudly as to disturb persons in the vicinity thereof or in such manner as renders to the same as public nuisance. It is unlawful to operate the amplified device between the hours of nine p.m. and seven a.m. in any manner where the noise produced is audible fifty feet from the noise-producing site. In the case of apartment, duplex or any residence which shares a common ceiling, floor or wall; the amplified noise will be considered unlawful if it is clearly audible within another dwelling unit, between the hours of ten p.m. and seven a.m. Permits may be granted to responsible persons or organizations upon application to the city council, to broadcast programs of music, news, speeches or general entertainment;

8. The use of a muffler cutout on any motor vehicle upon any street;

9. The conducting, operating or maintaining of any garage within one hundred feet of any building used as a private residence, apartment house, rooming house or hotel in such manner as to cause loud or offensive noises to be emitted therefore between the hours of eight p.m. and seven a.m.;

10. Loud and boisterous talking, shouting, yelling is prohibited in a residential area between the hours of ten p.m. and seven a.m. Loud, boisterous talking, yelling or shouting which is audible fifty feet from the noise-producing site will be considered excessive. In the case of apartments, duplexes or any residence that shares a common ceiling, floor or wall, shouting, loud and boisterous talking, yelling or shouting shall be deemed unreasonable if clearly audible within another dwelling unit between the hours of ten p.m. and seven a.m.

B. A violation of this section shall be a violation.

C. A violation of subsection A. 4. of this section may be abated by a stop work order issued by the city building official, the public works director, a law enforcement officer or any other person specifically authorized to issue a stop work order or a citation for the commission of violations. A stop work order shall be in addition to any other penalty or remedy otherwise available to the city. (**Ord. 803 2009**: Ord. 794 §2, 2007: Ord. 709 §1, 2001: Ord. 550 §§1--4, 1989; Ord. 521 §10, 1986)
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