

Bay City Ordinances

ORDINANCE NO. 585

AN ORDINANCE DEFINING OFFENSES AGAINST THE PUBLIC PEACE, SAFETY, MORALS AND GENERAL WELFARE; PROVIDING PENALTIES; AND REPEALING ORDINANCES.

The City of Bay City ordains as follows:

Section 1. Definitions.

1.1 Minor. A person under the age of 18 years, unless otherwise provided.

1.2 Person. A natural person, firm, partnership, association or corporation, whether s/he or it is acting for himself/herself or itself, or as the clerk, servant, employee or agent of another.

1.3 Public place. A building, way, place or accommodation, whether publicly or privately owned, open and available to the general public.

1.4 Vehicle. Includes all motorized vehicles, including, but not limited to: Automobiles, camper trailers, recreational vehicles, motorcycles and ATVs.

Section 2. Disorderly Conduct. No person shall disturb the peace by:

2.1 Participating or abetting in any rude, indecent, riotous, drunken or violent conduct.

2.2 Using any vulgar, obscene or abusive language in a public place.

2.3 Inciting any other person to commit any breach of the peace.

2.4 Committing any obscene, indecent or immoral act in a public place.

2.5 Knowingly permitting disorderly conduct on premises owned or controlled by him/her.

2.6 Being upon a street or in a public place in an intoxicated or drunken condition.

Section 3. Disturbance of Lawful Assemblies. No person shall knowingly interrupt, disturb or annoy a lawful assembly, either public or private, by an offensive act committed within such assembly or so near the same as to disturb the order of the meeting.

Section 4. Radio and Television Interference.

4.1 No person shall operate or use an electrical, mechanical or other device, apparatus, instrument or machine that causes reasonably preventable interference with radio or television reception by a radio or television receiver of good engineering design.

4.2 This section does not apply to devices licensed, approved and operated under the rules and regulations of the Federal Communications Commission.

Section 5. Unnecessary Noise.

5.1. No person shall make assist in making, continue or cause to be made any loud, disturbing or unnecessary noise which wither annoys, disturbs, injuries or endangers the comfort, repose, health, safety or peace of others.

5.2. Loud, disturbing and unnecessary noises in violation of this section include but are not limited to, the following:

5.2.1. The keeping of any bird or animal which, by causing frequent or long-continued noise, shall disturb the comfort and repose of any person in the vicinity.

5.2.2. The attaching of a bell to an animal or allowing a bell to remain on an animal.

5.2.3. The use of a vehicle or engine, either stationary or moving, so out of repair, loaded or operated as to create any loud or unnecessary granting, grinding, rattling or other noise.

5.2.4. The sounding of a horn or a signaling device on a vehicle on a street, public place or a private place, except as a necessary warning of danger.

5.2.5. The blowing of a stream whistle attached to a stationary boiler, except to give notice of the time to begin or stop work, as a warning of danger, or upon request of proper City authorities.

5.2.6. The erection, including excavation, demolition, ,alteration or repair of a building in residential districts other than between the hours of 7:00 a.m. and sunset, except in case of urgent necessity in the interest of the public welfare and safety, and then only with a permit granted by the City Council for a period not to exceed ten days. The permit may be renewed for periods of five days while the emergency continues to exist. If the

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Council determines that the public health, safety and welfare will not be impaired by the erection, demolition, alteration or repair of a building between the hours of sunset and 7:00 a.m., and if the Council shall further determine that loss or inconvenience would result to any person unless the work is permitted within those hours, the Council may grant permission for such work

to be done within specified hours between sunset and 7:00 a.m., and upon application therefor being made at the time the permit for the work is awarded or during the progress of the work.

5.2.7. The use of a gong or siren upon a vehicle, other than police, fire or other emergency vehicles.

5.2.8. The creation of excessive noise on a street adjacent to a school, institution of learning, church, court of justice, a hospital, nursing home or other institution for the care of the sick or infirm, while the same are in use, which unreasonably interferes with the operation of such institution.

5.2.9. The discharge in the open air or the exhaust of a steam engine, internal combustion engine, motorboat or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises and the emission of annoying smoke.

5.2.10. The use or operation of an automatic or electric band instruments, phonograph, tape player, compact disc or DVD player, radio, television, loudspeaker or any instrument for sound producing or any thereof, or in such a manner as renders the use thereof a nuisance. However, upon application to the Council, permits may be granted to responsible persons or organizations for the broadcast or amplification of programs of music, news, speeches or general entertainment as part of a national, state or city event, public festivals, or outstanding events of a non-commercial nature.

5.2.11 The use or operation of lawn maintenance equipment, including, but not limited to: Lawnmowers, weed eaters and chainsaws between the hours of sunset and 7:00 a.m.

Section 6. Begging. No person shall accost another in a public place for the purpose of soliciting money. This section shall not apply to persons granted permits in accordance with any ordinances regulating and licensing solicitations.

Section 7. 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

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the possession thereof. No person shall reside in a recreational vehicle on private property in violation of the City's land use laws.

Section 8. Loitering or Prowling. No person shall loiter or prowl in a place, at a time, or in a manner not usual for law-abiding persons under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the

circumstances which may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon the appearance of police officer, refuses to identify

him/herself, or manifestly conceals him/herself or any object. Unless flight by the person or other circumstances make it impractical, a police officer/code enforcement officer, shall, prior to any arrest for an offense under this section, afford the person an opportunity to dispel any alarm which would be otherwise warranted, by requesting him to identify himself and explain his presence and conduct; failure of a police officer/code enforcement officer to do so shall be a defense in any prosecution under the provisions of this section. It shall also be a defense if it appears at trial that the explanation given by the person was true, and if believed by the police officer/code enforcement officer at the time would have dispelled the alarm.

Section 9. Killing of Birds. No person shall kill or attempt to kill any bird within the limits of this City, except police officers/ code enforcement officers or public health officials, when necessary for the peace, health and safety of the citizens of the City, when authorized by the council.

Section 10. Poisoning of Animals. No person shall put out or place any poison where the same is likely to be eaten by any horse, cattle, sheep, hog, dog, cat or other domestic animal.

Section 11. Cruelty to Animals. No person shall abandon, overwork, torture, beat, mutilate, deprive of necessary sustenance, or cruelly kill an animal.

Section 12. Vending Goods by Public Outcry. No person shall use or occupy any portion of a street or sidewalk for the purpose of selling/bartering or exchanging goods, wares or merchandise by public outcry or otherwise, unless a license has first been obtained from the City.

Offenses Against Public Safety

Section 13. Discharging Weapons. No person, other than an authorized peace officer/code enforcement officer, shall fire or discharge a gun or other weapon, including spring or air-actuated pellet guns, air guns, BB guns, bow and arrow, or any weapon which propels a projectile by use of gunpowder or other explosive, jet or rocket propulsion within the City limits. The provisions of this section shall not be

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construed to prohibit the firing or discharging of a weapon by any person in the defense or protection of his property, person or family.

Section 14. Forfeiture.

14.1 Whenever a person is arrested for violating Section 13 of this ordinance, the weapon shall be confiscated by the arresting officer.

14.2 If the accused is not convicted, the weapon shall be returned to him unless his possession of the weapon would violate state or federal law.

14.3 If the accused is convicted or the weapon may not be lawfully returned to him, it shall become the property of the City of Bay City. If the weapon can be sold without violating state or federal law, it may be sold or destroyed. If the weapon is of a type prohibited by state or federal law, it shall be destroyed.

Section 15. Obstruction of Building Entrances. Except for the construction, maintenance or repair of public utilities or public improvements, no person shall obstruct the entrance to a building without the consent of the person entitled to legal custody or control of the entrance of the building.

Section 16. Obstruction of Sidewalks and Crosswalks.

16.1 It shall be unlawful for a crowd of persons to gather or stand so as to obstruct a sidewalk or crosswalk or fail to disperse when ordered to do so by an officer.

16.2 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.

Fire Control

Section 17. Obstruction of Fire Hydrants.

17.1 It shall be unlawful for the owner of property adjacent to a street upon which is located a fire hydrant to place or maintain within eight feet of such fire hydrant any bush, shrub or tree, or other obstruction.

17.2 No unauthorized person shall unfasten, open, draw water from, or otherwise tamper with a fire hydrant.

Section 18. False Fire Alarms. No person shall turn in a fire alarm knowing the alarm to be false.

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Section 19. Disorderly Conduct at Fires/Emergency Sites.

19.1 It shall be unlawful for any person at or near a fire or at any emergency site, to obstruct or impede the fighting of the fire or the response to any emergency situation, interfere with fire department personnel or fire department apparatus, to behave in a disorderly manner, or refuse to observe promptly an order of a member of the fire or police department.

19.2 For purpose of this section, members of the fire department are endowed with the same powers of arrest as are conferred upon peace officers for violations of city ordinances.

Offenses Against Property

Section 20. Injury to or Removal of Property.

20.1 No person, without proper authority, shall cut, remove, deface, or in any manner injure or damage real or personal property of the City within or without the corporate limits.

20.2 No person, without proper authority, shall willfully deface, injure, tamper with, break or destroy property, real or personal, belonging to or under the control of another.

20.3 Any person found responsible for damage or vandalism to City property will be held financially responsible for the repaired or replacement of the damaged items.

Section 21. Public Records. No person shall take, remove or retain any paper, document or personal property of the City without the permission of the custodian thereof, or refuse to return same upon demand of proper authority.

Section 22. Posted Notices.

22.1 No person shall deface or tear down an official notice or bulletin posted in conformity with the law.

22.2 No person shall fix a placard, bill or poster upon personal or real property, private or public, without first obtaining permission from the owner thereof or from the proper public authority.

Section 23. Littering. No person shall place or dump any garbage, refuse or other matter on any property other than that which is owned or controller by him/her. No person shall place or dump garbage, refuse or other matter upon property owned or controlled by him/her which would mar the appearance, create a stench or a fire

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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.

Section 24. Mashing. No person shall accost any other person for the purpose of making improper advances or indecent remarks, or make any such advances or remarks.

Section 25. Spitting on Sidewalks. No person shall spit upon a sidewalk or building, or in a public place, or defile in any manner a drinking fountain used by the public.

Section 26. Violation. Any person found guilty of any violation of this ordinance shall be punishable as a Class A violation, for each violation, as determined by the Tillamook County Justice Court, plus court costs. *Modified 05/08/01 by Ordinance 591*

Section 27. Repeal. Bay City Ordinance 315, codified as 5 – 2 is hereby repealed in its entirety.

Section 28. Severability. If any provisions, clause, sentence, paragraph, or phrase of this Ordinance or the application thereof to be invalid or unconstitutional, is held, for any reason by a court of competent jurisdiction, such decision shall not affect the validity of other provisions or applications of the provisions of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are hereby declared to be severable.

Section 29. Savings Clause. The repeal of any ordinance by Section 27 shall not preclude any action against any person who violated the ordinance prior to the effective date of this ordinance.

Passed by the City Council and approved by the Mayor on this 12th day of September, 2000.

/s/ James A. Cole, Jr., Mayor
James A. Cole, Mayor

ATTEST:

/s/ Linda Dvorak
Linda Dvorak, City Recorder

First Reading: September 12, 2000

Second Reading: September 12, 2000

Adoption: September 12, 2000

Ayes: 4

Nays: 0

Abstentions: 0